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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Etheric Communications, LLC for a
Certificate of Convenience and Necessity to Provide
Full Facilities-Based and Resold Competitive Local
Exchange and Non-Dominant Interexchange Service
and Designation as an Eligible Telecommunications
Carrier in California

Application_____

**EXPEDITED APPLICATION
OF ETHERIC COMMUNICATIONS, LLC
FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FULL FACILITIES-BASED
AND RESOLD COMPETITIVE LOCAL EXCHANGE AND
NON-DOMINANT INTEREXCHANGE SERVICE
AND DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

[PUBLIC VERSION]

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January 05, 2021

Pursuant to the Rules of Practice and Procedure (the “Rules”) of the California Public Utilities Commission (the “Commission”), and the Commission’s decisions authorizing competition in California’s telecommunications markets, Etheric Communications, LLC (“Etheric” or “Applicant”), by and through its attorneys, hereby files this application for a Certificate of Public Convenience and Necessity (“CPCN”) (“Application”) in order to provide full facilities-based and resold competitive local exchange and non-dominant interexchange services in California.

Etheric requests authority to operate as a competitive local exchange carrier (“CLC”) in the territories currently served by AT&T California (“AT&T”), Frontier California, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California d/b/a Frontier Communications of California, Inc. (“Citizens”), and as a non-dominant interexchange carrier (“NDIEC”) in the entire State of California. Pursuant to Articles 2 and 3 of the Commission’s Rules of Practice and Procedure, Etheric submits information in Section I in support of its CPCN Application.

In addition, pursuant to Resolution T-17002¹, and 47 USC Section 214(e)(2)², the Commission is authorized and directed to designate Eligible Telecommunications Carriers (“ETCs”). Etheric is concurrently seeking designation as an ETC to fulfill a compliance requirement for Etheric’s winning bid for funds from the Rural Digital Opportunities Fund (“RDOF”) Phase I Auction 904 recently completed by the Federal Communications Commission (“FCC”). Etheric was awarded \$24.8 million to deploy broadband infrastructure in under and

¹ Resolution T-17002 Adopting Comprehensive Procedures and Guidelines for Eligible Telecommunications Carrier Designation and Requirements for Eligible Telecommunications Carriers (issued May 25, 2006). Commission staff advised Etheric that it should seek a CPCN and ETC designation in a combined application.

² Section 214(e)(2) states, “A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) [to have common carrier status] as an eligible telecommunications carrier for a service area designated by the State commission.”

unserved areas in California. Etheric is seeking ETC status solely for the RDOF funds and does not intend to participate in California public purpose programs. Etheric submits information in Section II in support of its request for ETC designation. Etheric requests expedited processing for both CPCN and ETC approval. Under the RDOF rules, Etheric must obtain ETC designation from the Commission by June 7, 2021 and a CPCN is necessary to receive ETC status.

I. APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY

1. Name of Applicant [Rule 2.1(a)]

Applicant's legal name is Etheric Communications, LLC and is wholly owned by Etheric Networks, Inc. Etheric is a California limited liability company with its principal place of business at 1009 S. Claremont St. San Mateo, CA 94402. This is a physical location, not a virtual address. Employees are located at this principal place of business address. William Alexander Hagen is the Chief Executive Office/Chief Technology Officer. His phone number is 650-793-4267 and his email address is alexander@ethericnetworks.com.

Contact information for Etheric is as follows:

Phone: 866-336-8042
Toll-free: 866-336-8042
Website: www.ethericnetworks.com

2. Correspondence or Communications [Rule 2.1(b)]

Correspondence or other communications regarding this Application should be addressed to counsel for Etheric:

Anita Taff-Rice
iCommLaw
1547 Palos Verdes #298
Walnut Creek, CA 94597
Phone: (415) 699-7885
Fax: (925) 274-0988
Email: anita@icommlaw.com

With copies to:

William Hagen
Etheric Communications, LLC
1007 S. Claremont St. San Mateo, CA 94402
Phone: 650-793-4267
Email: alexander@ethericnetworks.com

Notices, orders and other papers may be served upon these persons, and such service shall be deemed to be service upon the Applicant. Commission staff should contact these persons to resolve customer complaints.

3. Description of Etheric's Services [Rule 3.1(e) and D.13-05-035]

Etheric proposes to provide full-facilities-based and resold competitive local exchange services in California. Etheric will provide voice and broadband to residential and small business customers. Applicant will provide these offerings using services and facilities of other carriers or its own facilities, such as fiber optic cable and associated electronics, fixed wireless facilities, switches, and routers. Applicant will install and/or utilize facilities in or on existing structures. For a more detailed description of the services and functionality to be provided by Etheric in its RDOF service areas, please see Section II of this Application seeking ETC Designation.

4. Commission jurisdiction and Etheric eligibility to receive CPCN.

Entities applying for CPCN authority must demonstrate that they meet the definition of "public utility" definition pursuant to the Pub. Util. Code. § 216(a), which defines a "public utility" to include a "telephone corporation". California Public Utilities Code § 234(a) defines "telephone corporation" as "every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state." The Commission may issue a CPCN upon the applicant's declaration that it is a telephone corporation and that it intends to offer services and operate in a fashion that brings it within the Commission's jurisdiction. Declarations from Etheric's key management personnel

provided with this application attest that Etheric will provide telephone services under the state law definitions above and that it will be subject to the Commission's jurisdiction.

Etheric requires a CPCN so that it may obtain ETC status in order to qualify for an RDOF award from the FCC to construct broadband facilities in un/underserved areas of California. In addition, Etheric will likely need a CPCN in order to use public infrastructure such as poles and conduit, and/or to access public rights of way, utility corridors or otherwise meet local jurisdictions' criteria for obtaining permits to install telecommunications facilities.

5. Demonstration of Compliance with Commission Rules

Attached as Exhibit A to this Application is a schedule listing Etheric's compliance with the requirements of the Commission's Rules governing issuance of CPCNs.

6. Certificate of Incorporation and Certificate of Good Standing [Rule 2.2]

Etheric filed Articles of Organization with the California Secretary of State's office on April 22, 2020. This certificate is attached as Exhibit B. Additionally, Etheric is including a current Certificate of Good Standing with the California Secretary of State as Exhibit C.

7. Description of Proposed Construction [Rule 3.1(a)]

Etheric will utilize both facilities obtained from other carriers and facilities it constructs, particularly in the un/underserved areas for which it will construct broadband facilities using the RDOF grant. In the RDOF areas, and otherwise when required to meet customer needs, Etheric will undertake relatively minor ground-disturbing activities, including: placement of fiber optic facilities in aerial and underground conduit configurations; installation or replacement of utility poles or conduit; installation of underground vaults; trenching, boring and grading. Much of the construction will take place inside public rights of way, but occasionally, a portion of this activity may take place on private property in existing easements.

Etheric respectfully submits that the above construction activities are similar to those undertaken by other carriers that the Commission has ruled are categorically exempt from CEQA.² The construction would be of the type exempt from CEQA review, similar to the types of construction described by Synergy in D. 13-07-039³ and falling within CEQA Exemptions 3, 4, and 32. In addition, the Commission has found that boring and installation of new conduit in an existing right-of-way⁴ and placing aerial fiber on existing utility poles are all activities exempt from CEQA.⁵ In addition, Commission decisions and local ordinances often grant exemptions to utilities for aerial construction, thus this procedure will apply to installing utility poles in underground districts where local jurisdictions grant such exceptions. Etheric anticipates using the Commission's 21-day review process for these CEQA exempt activities.

Etheric does not yet have detailed deployment plans, and therefore does not know the specific locations where it will construct facilities. The Commission has previously granted full facilities-based authority to many other carriers looking to undertake minor ground-disturbing activities, while not yet having specific construction locations, as those are driven by customer demand.⁶ Etheric requests that it be allowed to utilize the review and exemption procedure for full facilities-based construction that has been approved for other similar carriers once Etheric has identified locations for construction of network facilities.⁷ Whenever Etheric wishes to

² See, e.g., D.06-04-063, *ClearLinx Network Corporation*; D.06-04-067, *CA-CLEC-LLC*.

³ See D.13-07-039, at p. 4-5.

⁴ D.03-12-017, at p. 10-11, *Application of Zephyr Communications*.

⁵ D.13-07-039, at p. 4, *Application of Synergy DAS, LLC for a Certificate of Public Convenience and Necessity in order to provide Limited Facilities-based, Full Facilities Based and Resold Competitive Local Exchange, Access and Interexchange Service*, July 25, 2013 ("Synergy Application").

⁶ Decisions which have granted full facilities-based authority to carriers without specific construction location include: D.17-05-023, p. 8-9; D.13-07-039, p. 3-5; D.13-07-032, p.4; D.13-02-010, p. *4-5; D.14-10-035, p. *4-8; D.15-04-012, p. *4-7; D.15-02-012, p. *4-5; D. 07-08-026, p. *5-8; D.08-12-027, p. *17-19; D.12-06-009, p. *3-5; D.16-04-025, p. *4-6; D. 09-07-043, p. *5-6; D.06-04-063, p. *3-4; D.10-01-014, p. *8-10.

obtained review by the Energy Division staff. Exhibit D sets forth the 21-day expedited review process used by other full facilities-based carriers.

Etheric may need to install facilities in areas for which there is no CEQA exemption. In such instances, it will submit the required Proponent's Environmental Assessment ("PEA") to the Commission for review.

8. California Environmental Quality Act (CEQA) Compliance [Rule 2.4]

Pursuant to Rule 2.4(b) of the Commission's Rules of Practice and Procedure, a copy of the Proponent's CEQA Procedure is provided as **Exhibit D**.

9. Names of Competitors and Names of Counties [Rule 3.1(b)]

Etheric will provide competitive local service in competition with those other carriers authorized by this Commission to provide similar services. Etheric notes that pursuant to D. 97-06-107, issued in Commission Proceeding R.94-02-003/I.94-02-004, CLCs no longer are required to comply with Rule 3.1(b) and General Order 96-A, subsections (G)(1) and (G)(2). Thus, Etheric has not mailed its application to all potential competitors and counties. Etheric will, however, provide a copy of its application upon request to potential competitors and counties.

10. Areas of Service [Rule 3.1(c)]

Etheric seeks authority to provide its services in those exchanges where the Commission has authorized local competition. At present, CLC service may be provided in the geographic

⁷ See e.g. D.17-02-008, *Application of Cal.Net for a Certificate of Public Convenience and Necessity in order to provide Limited Facilities-based, Full Facilities Based and Resold Competitive Local Exchange, Access and Interexchange Service*. D.13-07-039, *Synergy Application*, p.4; D.08-12-027, *Application of ATC Outdoor DAS, LLC for a Certificate of Public Convenience and* undertake ground disturbing activities that it believes are categorically or statutorily exempt from CEQA, Etheric will request authority to utilize the expedited 21-day process for CEQA *Necessity in Order to Provide Limited Facilities-Based, Full Facilities-Based and Resold Competitive Local Exchange, Access, and Interexchange Service*, Dec. 18, 2008.

areas of California served by AT&T California, Frontier California, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California d/b/a Frontier Communications of California, Inc. In addition, Etheric seeks non-dominant interexchange authority on a statewide basis. Attached as Exhibit E is a map of the service areas where Etheric will provide service.

11. Identification of Required Franchise and Health and Safety Permits [Rule 3.1(d)]

Etheric is not aware of any health and safety permits required to operate as a reseller of CLC and NDIEC services. If such permits are required, Etheric will obtain them from the appropriate city or county agencies. As a Commission certified public utility, no municipal franchises are necessary (see Public Utilities Code Section 7901.)

12. Facts Showing Public Convenience and Necessity [Rule 3.1(e)]

The Commission has previously determined that the public convenience and necessity require that competition be allowed in the provision of competitive local exchange service, R.95-04-043/I.95-04-044. Applicant asserts that this application will serve the public interest generally because Applicant's provision of services will result in greater variety of telecommunications services and products in the telecommunications market. In particular, the Applicant will provide a competitive alternative in the residential market, where the Commission's analysis shows that level of competition has not increased. Consumers benefit from increased competition including greater customer choice for efficient, innovative, and technologically advanced telecommunications services, and competitive prices in California.

13. Estimated Cost of Construction, Annual Fixed and Operating Costs and Economic Feasibility [Rule 3.1(f)]

Etheric's immediate plan is to focus construction efforts on the RDOF service areas. The

cost of that construction is expected to be \$24.8 million, the amount of the RDOF award.

Applicant expects to fund its initial operations with the RDOF award, and existing cash and assets. Its anticipated annual fixed and operating costs are well within the existing financial resources available to Etheric and anticipated future revenues. Etheric's estimated annual fixed and operating costs are set forth in Confidential Exhibit F to this Application.

Because Confidential Exhibit F contains highly proprietary and competitively sensitive business information, Etheric is requesting confidential treatment of **Confidential Exhibit F** in a Motion for Leave to File Confidential Materials Under Seal ("Motion") filed concurrently with this Application.

14. Financial Statements and the Ability to Finance [Rules 3.1(g) and 2.3]

Etheric is financially qualified to offer the telecommunications services for which authority is sought. Attached as **Confidential Exhibit G** is a Guaranty issued by Etheric's corporate parent, Etheric Networks, Inc. and attested financial statement demonstrating that Etheric Networks, Inc. has \$110,000 in cash assets to support Applicant's operations during the first year. **Confidential Exhibit H** is Etheric's pro forma balance sheet and profit and loss statement.

Etheric does not yet have ICAs or agreements with other carriers to purchase services, but it anticipates that the requirement for a deposit (if any) will be negotiated as part of such agreements. If a deposit is required, it would be no more than \$10,000.

The amount of Etheric's cash and assets are fully sufficient to show financial ability to operate and to post any necessary carrier deposits. If in the future, Etheric pursues the purchase of services that require deposits or require deposits in amounts greater than identified herein, it will notify the Commission and promptly comply with any regulatory requirements. For all of the reasons above, Etheric fully meets the financial qualifications set forth in the Initial Rules for

Competitive Local Exchange Carriers issued in D.95-07-054 and D.96-02-072 and Rule 3.1(g).

15. Proposed Rates [Rule 3.1(b)]

Etheric does not intend to offer basic service or switched access and therefore seeks an exemption from filing a tariff pursuant to GO 96-B, Telecommunications Industry Rule 5.3.⁸

Consistent with D.07-09-018, the Commission has granted exemptions from tariff filing requirements to CPCN applicants that did not offer residential basic service.⁹

Etheric intends to offer its services through individual case basis (“ICB”) contracts, and at this time is not submitting a tariff. Etheric commits to offer ICB services on a non-discriminatory basis to similarly situated customers. Etheric acknowledges that it will need to file a tariff if it wishes to offer basic residential service or switched access. Applicant will comply with the Commission’s consumer protection rules adopted in D.98-08-031 and it will collect and remit all applicable end-user surcharges and fees.

16. General Order 104-A Statement

Etheric is not a publicly traded company, and has no proxy statements, 10-Ks or annual reports to provide. Further, Etheric states that none of its officers, directors, or stockholders, whether record or beneficial owners of stock, have a material financial interest (as that term is defined in Section 2 of G.O. 104-A) in any transaction involving the purchase of materials or equipment, or the contracting, arranging or paying for construction, maintenance, or service for or on behalf of Applicant.

17. Expected Customer Base [Rule 3.1(j)]

Etheric’s estimate of its customers for the first and fifth year is contained in **Confidential**

⁸ G.O. 96-B, Telecommunications Industry Rule 5, provides that the Commission may “grant[...] exceptions from the general requirement . . . that a Utility serve its California customers under its filed tariff.” In D. 07-09-018, the Commission established detariffing rules for carriers such as CLCs.

⁹ See, e.g., D.11-12-014, D.12-08-036, and D.13-01-010.

Exhibit I which contains highly proprietary and competitively sensitive information. Therefore, Etheric also requests confidential treatment of **Confidential Exhibit I** in its Motion to File Under Seal filed concurrently with this Application.

18. Managerial and Technical Competence

Etheric has the managerial and technical qualifications necessary to provide the proposed services in its service territory. **Redacted Exhibit J** demonstrates that Etheric's executive team possesses significant managerial and technical expertise for operating a telecommunications company, consistent with the Commission's requirements. To the extent that additional expertise is required, Etheric will retain consultants.

19. Request for Exemptions

Applicant requests that it be accorded the same streamlined regulatory treatment previously accorded to other CLCs as a non-dominant interexchange carrier as set forth in D.96-02-075 and as adopted by NDIECs, including the following:

A. The Applicant seeks exemption from the provisions of PU Code Section 816-830 (pertaining to the issuance of stocks and securities) and PU Code Section 851 (pertaining to the transfer or encumbrance of utility assets when such transfer or encumbrance is for the purpose of securing debt). The Commission has previously concluded that NDIECs should be exempt from the provisions and requirements of PU Code Sections 816-830 and 851 (insofar as these sections pertain to the issuance of securities and transfer or encumbrance of utility property for purposes of securing debt) in D.85-07-081, D.85-11-044 and D.86-08-057, as confirmed by D.90-09-032. This exemption was extended to CLCs in D.96-02-072, Ordering Paragraph 18.

B. The applicant also requests that it be exempted from any requirement to maintain its books and records in accordance with the Uniform System of Accounts specified in Title 47 I.E. Part 32 consistent with D.99-02-038, which relieved CLCs that are not part of an ILEC corporate

entity from the requirement to keep their books of account in conformance with the Uniform System of Accounts.

20. Continuous Performance Bond (D.13-05-035)

D. 13-05-035 requires new and existing CPCN holders to submit a continuous performance bond in the amount of \$25,000 issued by a corporate surety company authorized to transact surety business in California with the Commission listed as an obligee on the bond. Etheric will obtain such bond and submit it to the Commission within five days of accepting its CPCN.

21. SB 960 Compliance – Scoping Memorandum Information [Rule 2.1(c)]

Etheric respectfully submits that its application for resale and full facilities-based authority will serve the public interest and is non-controversial. In accordance with the Commission's Rules, Etheric provides the following information:

1. Proposed Category: This Application should be categorized as rate setting in accordance with Rule 7.1(e)(2) as it does not clearly fit into the categories defined in Rules 1.3 (a), (d), or (e).
2. Need for hearing: No hearings are necessary to address the matters in this Application as it is non-controversial and does not raise any material issues of fact.
3. Issues to be Considered: Whether Etheric is qualified to provide resold and full facilities-based competitive local exchange and non-dominant interexchange services in California.
4. Proposed Schedule: Etheric proposes the following schedule:
5. Application filed: January 5, 2021
Protests due: 30 days after appearance of Application on Commission Daily Calendar
Final Decision Adopted: 90 days after submission

II. APPLICATION FOR ETC DESIGNATION

I. Description of Etheric

Etheric is a fixed-wireless broadband and Internet Service Provider (ISP) headquartered in San Mateo California, with facilities/depots located in North and South Bay locations. Since 2003, Etheric has provided Internet Services to both business and residential clients with a focus on quality and rapid deployment. Etheric has built, maintained and grown a fixed wireless network that spans from San Francisco to Salinas and East to Walnut Creek and Livermore. Etheric covers over 10,000 square miles in the Bay Area with a mix of long, medium, and short range licensed and unlicensed fixed wireless. Etheric also offers fixed wireless Gigabit and 100 Megabit microcell solutions, similar to 5G, except utilizing the 60 GHz band, in addition to 5/6 GHz bands of unlicensed spectrum that provide very high speeds at short distances.

From 2003 to 2020, Etheric has grown to the nation's 4th largest fixed wireless network by coverage area. Etheric also maintains peering relationships with multiple national and international service providers, allowing Etheric to offer Ethernet transport services virtually anywhere in the world. Thus, Etheric has abundant experience in providing highly reliable communication systems, and its team is uniquely qualified to address the challenging recent conditions with Northern California weather. Etheric currently maintains four Data Center Peering points in the Bay Area and also operates and maintains over one hundred FCC licensed links. The Etheric Network Operations team was able to provide Etheric clients with 100% uptime during the last PGE Public Safety Power Shutoff (PSPS).

Etheric provides services to cities, counties, CALFIRE, police departments, fire departments, healthcare facilities, financial institutions, residential communities, small

businesses and enterprises including fortune 100 Silicon Valley companies. Etheric currently provides fixed wireless service to the city of Hollister as a client and to business and residential clients in the surrounding Hollister area. Etheric maintains an active Fiber Point of Presence in Salinas for transport purposes but does not currently have clients in the Salinas, Soledad, Seaside or King City areas. Etheric's mission is to provide reliable, rapidly deployed high speed Internet to our clients, and it looks forward to carrying this mission for the residents and businesses covered by this project.

Etheric is submitting its Organizational Chart and resumes for Etheric's key management who will provide expertise for the RDOF project.¹⁰ Etheric is providing full names and home addresses for its key management to assist with background verifications in **Confidential Exhibit J**. Etheric is requesting confidential treatment of **Confidential Exhibit J** in a Motion for Leave to File Confidential Materials Under Seal ("Motion") filed concurrently with this Application.

II. Commission Authority to Designate ETC in California

The Commission is expressly authorized under Sections 214(e) and 254 of the Federal Telecommunications Act ("Act") to designate Etheric as an ETC. Further, in Resolution T-17200, the Commission set forth requirements in addition to the FCC's requirements to obtain ETC status. Etheric demonstrates below that it provides all of the services required by recipients of federal high cost support set forth in 47 C.F.R. § 54.101, and will offer these supported services throughout the area in which it is designated as an ETC. Etheric will provide these services predominantly using its own fixed wireless facilities. Etheric further demonstrates below that it meets all of the

¹⁰Please see Exhibits K and J.

requirements for ETC status set forth in Resolution T-17200, Appendix A.

III. Compliance with FCC 97-157

A. Service area

Etheric provides a list of the Census Block Groups it will serve with the RDOF award¹¹. Etheric will also submit a shape file map depicting the RDOF service area under separate cover¹².

B. List of Designated Services and Functionality to be Provided

1. Voice Telephony Services.

Etheric offers SIP based feature rich Voip service with unlimited local and domestic calling included. Etheric offers VOIP service as a standalone service and does not have to be combined with any other services offered.

Etheric currently offers VOIP services at a monthly rate of \$49.99.

2. Broadband Internet Access Services.

High cost fund recipients must provide the capability to transmit and receive data by wire or radio from all or substantially all Internet endpoints in the area for which federal funds are received.

The broadband service prices in the table below comply with both the benchmark urban rates and the rates that are specified in the Etheric RDOF grant award.

Speed (Down/Up)	Price (Monthly)
6/2	69.99
10/3	84.99
15/3	89.99
25/4	94.99
50/5	106.99
100/20	127.99
1000/500	199.99

¹¹Please see Exhibit L.

¹²Please see Exhibit M.

Additional costs for data overages are charged at \$5 for 50 Gbps blocks of capacity.

3. Access to Emergency Services.

Etheric does/will offer the following single party voice over internet protocol (“VoIP”) services with free local usage in compliance with this requirement. E911 service is offered free of charge to all VoIP subscribers. E911 remains operational during non-payment-induced service shutoffs. E911 ceases to function after voluntary customer cancellation of service.

4. Access to Operator Services.

Etheric does/will offer the following single party voice over internet protocol (“VoIP”) services with free local usage in compliance with this requirement. Etheric does not provide Operator Services at this time, but is currently in the process of enabling that capability and expects to have it available by July of 2021.

5. Access to Interexchange Services.

Etheric does/will offer the following single party voice over internet protocol (“VoIP”) services with free local usage in compliance with this requirement. Interexchange calling is provided at no additional cost, and there are no per-minute charges for domestic long-distance as this is included in the monthly rates.

6. Access to Directory Assistance.

Etheric does/will offer the following single party voice over internet protocol (“VoIP”) services with free local usage in compliance with this requirement. Directory assistance service is available at no additional charge as this is included in the monthly rates.

7. Toll Limitation for Qualifying Low Income Consumers.

Etheric does/will offer the following single party voice over internet protocol

(“VoIP”) services with free local usage in compliance with this requirement. There are no additional fees for local and long distance calling as this is included in the monthly rates.

8. Dual Tone Multi-frequency Signaling (DTMF).

The FCC mandates that high cost fund recipients support dual tone multi-frequency signaling, or its digital functional equivalent to ensure rapid call set-up, which provides quality communications and rapid access to emergency services. The Etheric facilities-based VoIP platform supports RFC 2833 / 4733: RTP Payload for DTMF Digits, Telephony Tones, and Telephony Signals.

In addition to the required services and functionality provided, Etheric will also provide the following:

9. Ninth Generation Technology (G9).

Etheric will utilize its 9th generation of 5 GHz unlicensed equipment, which is capable of supporting 2.4 Gbps of aggregate access network capacity. Etheric targets 100Mbps download and 50 Mbps upload up as the target for most users, with 75 Mbps download and 35 Mbps upload as the minimum speed. Etheric expects latencies in the 4 ms to 12 ms range to Equinix SV1, substantially better than Charter, Frontier or Starlink.

Etheric has built software to manage this fleet of devices, with 17 years of innovation in ensuring devices are load balanced, and all system elements are maintaining quality. Etheric works with two vendors to increase the diversity of features and functions. One vendor offers a device with the specifications of a licensed radio system, but in the unlicensed band, the other is using massive MiMo.

10. GigaCell.

Etheric’s gigacell technology uses a licensed microwave backhaul and a millimeter wave unlicensed distribution system or a GPon distribution system. In areas

where the population is 10 or more users in a 1 square mile area, Etheric can deploy gigacell service. Latency for this service should be in the 3 to 11 ms range and offer 7.2 Gbps access network capacity per microcell.

a. **CBRS Licensed Band 3.5 GHz service.** Our vendor provides a hybrid 5 GHz/3.5 GHz radio, allowing aggregation, potentially optimizing voice and other quality sensitive applications to run on the licensed band, and file downloads and non real time applications to use the more variable unlicensed bands. Etheric Networks Inc has submitted bids for CBRS spectrum in San Benito and Monterey Counties. As a business with revenues of 7 million, we qualify for a 25% discount on spectrum.

i. **Self Healing and Intelligent Traffic Optimizing:** Leveraging powerful network management software that can detect patterns in network behavior and proactively correcting them before they impede the user, Etheric plans to evolve our current network design into a Software Defined Network (SDN)-based intelligent WISP architecture. This technology will help Etheric reach the goal of zero touch provisioning, monitoring from a Single Pane of Glass, and self healing, intelligent traffic optimization. It will also allow features such as security, IPv6, Network Function Virtualization and Virtual Private Network to smoothly integrate into Etheric's network.

Etheric uses equipment from highly rated American manufacturers for the following:

- 5GHz and 6 GHz service equipment
 - CBRS 3.5 GHz equipment
 - Millimeter wave (some foreign manufacturers may be used as well)
 - Switching and routing equipment
 - Backhaul licensed radios (this manufacturer recently moved its manufacturing back from Thailand to Texas).
- Etheric estimates that at least 75% of equipment purchased will be from

American manufacturers, several of which are headquartered in the Bay Area.

11. For the Broadband plans, does Etheric have to offer one of the 4 tiers? Or can Etheric offer speeds outside of the tiers?

Etheric can offer any packages of any download and upload speed as long as one of them matches the tier Etheric is obligated to service in any area.

12. Services which the carrier proposes not to provide and for which the carrier is seeking an extension of time.

There are no required services which Etheric will not provide.

13. An indication of whether the carrier plans to apply for a waiver of the requirement that an ETC not disconnect lifeline for non-payment of toll.

Etheric will not request a waiver for this purpose.

14. A description of the carrier's advertising plan, indicating the advertising media to be used, and an explanation of how its plan meets the advertising requirement in section 214(e) of the Telecommunications Act.

- a. Etheric's plans to encourage subscription of its services in awarded locations will include:
- b. Micro-targeted mailers by community
- c. Press Release announcing grant award
- d. Local Media Outreach to raise awareness of project
- e. Community Meetings to gain buy-in and solicit input
- f. Radio Spots
- g. Local Government Outreach
- h. Digital Advertising Campaign
- i. Social Media Campaign
- j. Website Landing Page/FAQs
- k. Videos and Podcasts
- l. Etheric also plans to:
- m. Promote and market services to residents and businesses during construction when crews are out in communities, including flyers and door hangers.
- n. Conduct community meetings (virtual if necessary) with local stakeholders including: district supervisors, city and county officials, economic development agencies, fire districts, chambers of commerce, and others.
- o. Join working groups within the community to discuss technology, strategy and awareness of the need and availability that other providers cannot provide, particularly for low-income communities.

15. If necessary, implement tariff changes via the advice letter filing process.

This provision would not apply to carriers that are not required to maintain tariffs.

Etheric Communications, LLC does not have tariffs so no tariff changes are required. Etheric does not request time to perform network upgrades to provide single party service, access to E911 service and/or toll limitation to low income customers.

16. How does Etheric provision 911 services?

Etheric provisions 911 services for its customers based on the Enhanced 911 (E911) system standards. When a customer places a 911 call, the call is assigned to the closest Public Safety Answering Point based on the E911 address assigned to the caller's telephone number. This address is also passed to the dispatcher's computer through E911 standards to allow for prompt response of medical, fire or other first responder services.

17. Does Etheric serve any PSAPs?

Etheric does not service any PSAP locations.

18. What is Etheric's plan for backup power?

Major sites have permanently-installed generators with sufficient fuel on-site to last at least a month. Etheric uses portable generators and fuel tanks for minor sites and generally deploys them within a few hours of a power failure, before the batteries become exhausted. In smaller sites, Etheric will use battery backup. The duration of the battery is site-specific and depends on whether or not a permanent generator is on-site. Locations with generators (which take approximately 15 seconds to start) have batteries with about one hour of capacity. Locations without generators have batteries that last 18-36 hours, depending on how difficult they are to access.

In some locations, Etheric will deploy solar cells for backup power. This technology can provide backup power for at least one month.

IV. Compliance with FCC 05-46 (47 C.F.R. § 54.202)

A. Commitment to Provide Service

Etheric has the commitment and ability to provide supported services to all

requesting customers within its designated service area. Etheric hereby certifies all of the following:

1. Etheric will provide service on a timely basis to requesting customers within its service area in all locations where its already passes the potential customer's premises; and
2. Etheric will provide service within a reasonable period of time, contingent on the progress of its six-year construction schedule for this project at the time of the customer request. Etheric is required to be able to service 100% of the FCC-specified locations by the end of the sixth year of the project.

Prior to that, if the potential customer is within Etheric's licensed service area but outside its existing network coverage, if able to reasonably do so within the confines of its six-year network build-out schedule, Etheric will attempt to provide service at reasonable cost by:

- a. modifying or replacing the requesting customer's equipment;
- b. deploying a roof-mounted antenna or other equipment;
- c. adjusting the nearest cell tower;
- d. adjusting network or customer facilities;
- e. reselling services from another carrier's facilities to provide service; or
- f. employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

If Etheric determines that it cannot serve a requesting customer using one or more of the methods above, it will report the unfulfilled request within 30 days after making such determination.

B. Submission of Two-Year and Six-Year Service Quality Improvement Plan

In support of its request for ETC status in order to obtain RDOF, Etheric is submitting a confidential two-year plan summary describing its proposed improvements or upgrades throughout its designated service area.¹³ In compliance with FCC Requirements, the two-year plan include all of the following:

- 1) a description of any plan for investment to be made or expenses to be incurred which will improve or permit the offering of services that are the subject of reporting requirements in FCC Form 477 (the form and instructions may be accessed at: <http://www.fcc.gov/formpage.html#477>);

- 2) a description of investments made and expenses paid with support from the high-cost fund;
- 3) the projected start date and projected completion date for each improvement and the estimated amount of investment for each project;
- 4) the specific geographic areas where the improvements will be made;
- 5) Etheric's projected operating expense requirements for the current and following year;
- 6) a certification that the investments made and expenses paid will be incurred to maintain and provide telecommunication services to any customer requesting service in ETC's service area;
- 7) a description of any capital improvements planned including whether the funds for the improvements are from operating expenses, grants, or loaned funds from the Rural Utilities Service or some other government or private institution; and
- 8) a description of the benefits to consumers that resulted from the investments and expenses reported pursuant to this requirement.

Due to the scattered and unpopulated nature of the RDOF awarded areas, Etheric is providing the above information aggregated for all of the CBGs for which it has been awarded RDOF money.

C. Ability to Remain Functional

Etheric is able to remain operational during a commercial power outage or loss of facilities. Specifically, Etheric deploys generators at all of its major hub locations and batteries with long-duration capacity at the minor sites to ensure continued operations during a commercial power outage. In the event of extended outages, crews are on standby to refill generator fuel tanks and replenish batteries. In the case of a loss of facilities due to weather, accidents, or other causes, Etheric is able to reroute traffic around damaged facilities automatically through a variety of IP routing protocols. Any outages are alerted in the company's Network Operations Center, and engineers can manually intervene when necessary to enhance traffic flow. In this manner, Etheric is capable of managing traffic spikes resulting from emergency situations.

¹³Please see Confidential Exhibit N. Etheric is requesting confidential treatment of **Confidential Exhibit N** in a Motion for Leave to File Confidential Materials Under Seal ("Motion") filed concurrently with this Application.

¹⁴Etheric is submitting the declaration of Andrew Brickweg attesting to the confidential nature of the information in Exhibit N.

Furthermore, in the event of physical damage to a tower, Etheric is able to quickly deploy a temporary tower (known in the industry as a “Cell on Wheels”) to restore service while the damaged structure is repaired.

D. Consumer Protection

Etheric will comply with all applicable state and federal consumer protection and service quality standards. Etheric will report information on consumer complaints per 1,000 handsets or lines on an annual basis. As discussed above, Etheric will ensure consumer protection by committing to serve the entire service area for which it receives ETC status and it is providing a two-year network improvement plan.

E. Local Usage

Etheric offers local usage plan(s) that are comparable to the incumbent LEC in the service areas for which Etheric seeks ETC designation. All local calling is free for unlimited calls, provided as part of the base monthly service fee.

F. Equal Access

Etheric acknowledges that it may be required to provide equal access if all other ETCs in the service area relinquish their designations pursuant to section 214 (e) (4) of the Act.

G. Public Interest Determination

Designating Etheric as an ETC will serve the public interest, convenience and necessity by enabling it to receive federal high cost funds through the RDOF program. These funds will enable Etheric to expand its network into areas that have been traditionally underserved due to the high cost of service, thereby increasing consumer choices.

Per the parameters of the RDOF award, all eligible service locations will have

access to broadband services at speeds of 100 Mbps down and 20 Mbps up. This significantly exceeds the both the FCC and the CPUC definitions of minimum broadband capability. In addition, due to the nature of the fixed-wireless technology that will be deployed, these services will also be available in areas nearby to the RDOF required service areas, thus benefiting the public beyond the scope of the RDOF award.

RDOF requires that all eligible service locations are provided service by the end of the six-year construction deadline, or the RDOF recipient will face consequences ranging from penalties to forfeiture. The USAC has stringent reporting requirements that assure that these obligations are met.

V. CEQA

Etheric will be deploying fixed-wireless services in fulfillment of the RDOF award. Accordingly, the primary construction activities will be the following:

- Leveraging existing Etheric vertical assets where feasible
- Leasing space on existing commercial or private towers
- Leasing space on vertical assets such as grain silos, water tanks, and other structures
- Constructing towers where necessary
- Constructing short fiber runs to a limited number of key sites of the abovetypes.

Etheric understands that installation of facilities on existing structures in which no ground disturbing activities occur is categorically exempt. Etheric will follow the Commission's established California Environmental Quality Act ("CEQA") processes for demonstrating categorical exemptions and obtaining approval of ground disturbing activities.

Etheric will use a variety of green technology for its project, including solar cells for backup power, lithium based bobcats for fiber installation and electric trucks for deployment. In addition, Etheric will use a holistic approach, integrating forestry

management (regrowing the 97% of the redwoods that have been previously removed) .

Etheric is discussing an integrated approach to its projects with Congressman Panetta's office. Etheric seeks to have the lowest carbon impact of any shovel ready project.

VI. CONCLUSION

WHEREFORE, Etheric respectfully requests that the Commission enter an Order granting this Application on an expedited basis, thereby conferring on Etheric authority to provide resold and full facilities-based CLC and NDIEC services in the State of California.

Signed and Dated: January 5, 2021, at Walnut Creek, CA.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anita Taff-Rice", written over a horizontal line.

iCommLaw
Anita Taff-Rice
1547 Palos Verdes #298
Walnut Creek, CA 94597
Phone: (415) 699-7885
Fax: (925) 274-0988
Email: anita@icommlaw.com

Counsel for Etheric Communications, LLC

EXHIBITS

EXHIBIT A	DEMONSTRATION OF COMPLIANCE WITH COMMISSION RULES
EXHIBIT B	ARTICLES OF ORGANIZATION
EXHIBIT C	CALIFORNIA SECRETARY OF STATE CERTIFICATE OF GOOD STANDING
EXHIBIT D	PROPONENT'S ENVIRONMENTAL ASSESSMENT
EXHIBIT E	MAP OF SERVICE AREAS
EXHIBIT F	PROJECTED OPERATING COSTS AND REVENUES (CONFIDENTIAL)
EXHIBIT G	GUARANTY AND ATTESTED FINANCIAL STATEMENTS (CONFIDENTIAL)
EXHIBIT H	PROFIT & LOSS STATEMENT AND BALANCE SHEET (CONFIDENTIAL)
EXHIBIT I	ESTIMATE OF CUSTOMERS FOR FIRST & FIFTH YEARS (CONFIDENTIAL)
EXHIBIT J	EXECUTIVE BIOGRAPHIES

EXHIBIT K	ORGANIZATIONAL CHART
EXHIBIT L	CENSUS BLOCK GROUPS
EXHIBIT M	SHAPE FILES
EXHIBIT N	TWO YEAR SUMMARY PLAN (CONFIDENTIAL)
VERIFICATIONS	

EXHIBIT A
Demonstration of Compliance with Commission Rules

EXHIBIT A

Demonstration of Compliance with Commission Rules

CPUC RULE	REQUIREMENT	APPLICATION REFERENCE
2.1(a)	Name of Applicant	Section 1
2.1(b)	Correspondence or Communications	Section 2
2.1(c)	SB 960 Compliance – Scoping Memorandum Information	Section 21
2.2	Certificate of Incorporation and Certificate of Qualification	Section 6; Exhibits B and C
2.4	California Environmental Quality Act (CEQA) Compliance	Section 7, Exhibit D
3.1(a)	Description of Proposed Construction	Section 7
3.1(b)	Names of Competitors and Names of Counties	Section 9
3.1(c)	Area of Service (Maps)	Section 10; Exhibit E
3.1(d)	Identification of Required Franchise and Health And Safety Permits	Section 11
3.1(e)	Facts Showing Public Convenience and Necessity	Section 12
3.1(f)	Estimated Cost of Construction, Annual Fixed And Operating Costs and Economic Feasibility	Section 13, Exhibit F
3.1(g) and 2.3	Financial Statements and Ability to Finance	Section 14, Exhibit G and H
3.1(h)	Proposed Rates	Section 15
3.1(i)	General Order 104-A Statement	Section 16
3.1(j)	Expected Customer Base	Section 17; Exhibit I
	Managerial and Technical Competence	Section 18; Exhibit J
	Demonstration of Compliance with Commission Rules	Section 20; Exhibit A

EXHIBIT B

Articles of Organization



California Secretary of State Electronic Filing



LLC Registration – Articles of Organization

Entity Name: Etheric Communications LLC

Entity (File) Number: 202011810577

File Date: 04/22/2020

Entity Type: Domestic LLC

Jurisdiction: California

Detailed Filing Information

1. Entity Name: Etheric Communications LLC
2. Business Addresses:
 - a. Initial Street Address of Designated Office in California: 1007 South Claremont Street
San Mateo, California 94402
United States
 - b. Initial Mailing Address: 1007 South Claremont Street
San Mateo, California 94402
United States
3. Agent for Service of Process: Anita Taff-Rice
1516 Pico Way
Walnut Creek California 94597
United States
4. Management Structure: One Manager
5. Purpose Statement: The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

Electronic Signature:

The organizer affirms the information contained herein is true and correct.

Organizer: Alexander Hagen

EXHIBIT C

California Secretary of State Certificate of Good Standing



Secretary of State Certificate of Status

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify:

Entity Name: ETHERIC COMMUNICATIONS LLC
File Number: 202011810577
Registration Date: 04/22/2020
Entity Type: DOMESTIC LIMITED LIABILITY COMPANY
Jurisdiction: CALIFORNIA
Status: ACTIVE (GOOD STANDING)

As of December 28, 2020 (Certification Date), the entity is authorized to exercise all of its powers, rights and privileges in California.

This certificate relates to the status of the entity on the Secretary of State's records as of the Certification Date and does not reflect documents that are pending review or other events that may affect status.

No information is available from this office regarding the financial condition, status of licenses, if any, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of December 29, 2020.

ALEX PADILLA
Secretary of State

Certificate Verification Number: ZVG2ABZ

To verify the issuance of this Certificate, use the Certificate Verification Number above with the Secretary of State Certification Verification Search available at bebizfile.sos.ca.gov/certification/index.

EXHIBIT D

Proponent's Environmental Assessment

EXHIBIT D

Procedure for Obtaining Expedited Review of CEQA Exemption Request

Prior to ground-disturbing construction, Applicant will provide the Commission Energy Division with:

1. A detailed description of the proposed project, including:
 - a) Customer (s) to be served;
 - b) The precise location of the proposed construction project; and
 - c) Regional and local site maps.
2. A description of the environmental setting, including at a minimum:
 - a) Cultural, historical, and paleontological resources;
 - b) Biological resources; and
 - c) Current land use and zoning.
3. A construction work plan, including:
 - a) Commission Preconstruction Survey Checklist--Archaeological Resources;
 - b) Commission Preconstruction Survey Checklist--Biological Resources;
 - c) A detailed schedule of construction activities, including site restoration activities;
 - d) A description of construction/installation techniques;
 - e) A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
 - f) A list of permits required for the proposed project.
4. A statement of the CEQA exemption (s) claimed to apply to the proposed project.
5. Documentation and evidence sufficient to support a finding that the claimed CEQA exemption(s) apply to the project.
6. A proof of service showing that Applicant has served a copy of the above information on the city and county in which the project, if approved, will be constructed.

B. Review by Commission Energy Division. The Commission Energy Division will then review the submission and notify Applicant of either its approval or its denial of Applicant's claim for CEQA exemption no later than 21 days after the date on which Applicant's submission is complete.

C. Approval of Claimed CEQA Exemption (s)/Notice to Proceed. If the Commission Energy Division approves Applicant's claimed CEQA exemption (s), the staff will prepare a Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.

D. Disapproval of Claimed CEQA Exemption (s). If the Commission Energy Division disapproves Applicant's claimed CEQA exemptions, ED Staff will issue to Applicant a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.

If the Commission ED disapproves Applicant's claimed CEQA exemption (s), Applicant shall redesign the specific project and facilities and reapply for a finding of exemption from CEQA. In the alternative, Applicant may choose to file a formal application with the Commission seeking approval for the project, and undergo CEQA review before commencing any full facilities-based construction activities.

Applicant shall not engage in any construction activity relating to a pending CEQA exemption request before receiving a NTP from ED Staff. Applicant must follow the above procedures unless and until the Commission adopts different requirements for CEQA review, which are applicable to Applicant, in a subsequent proceeding.

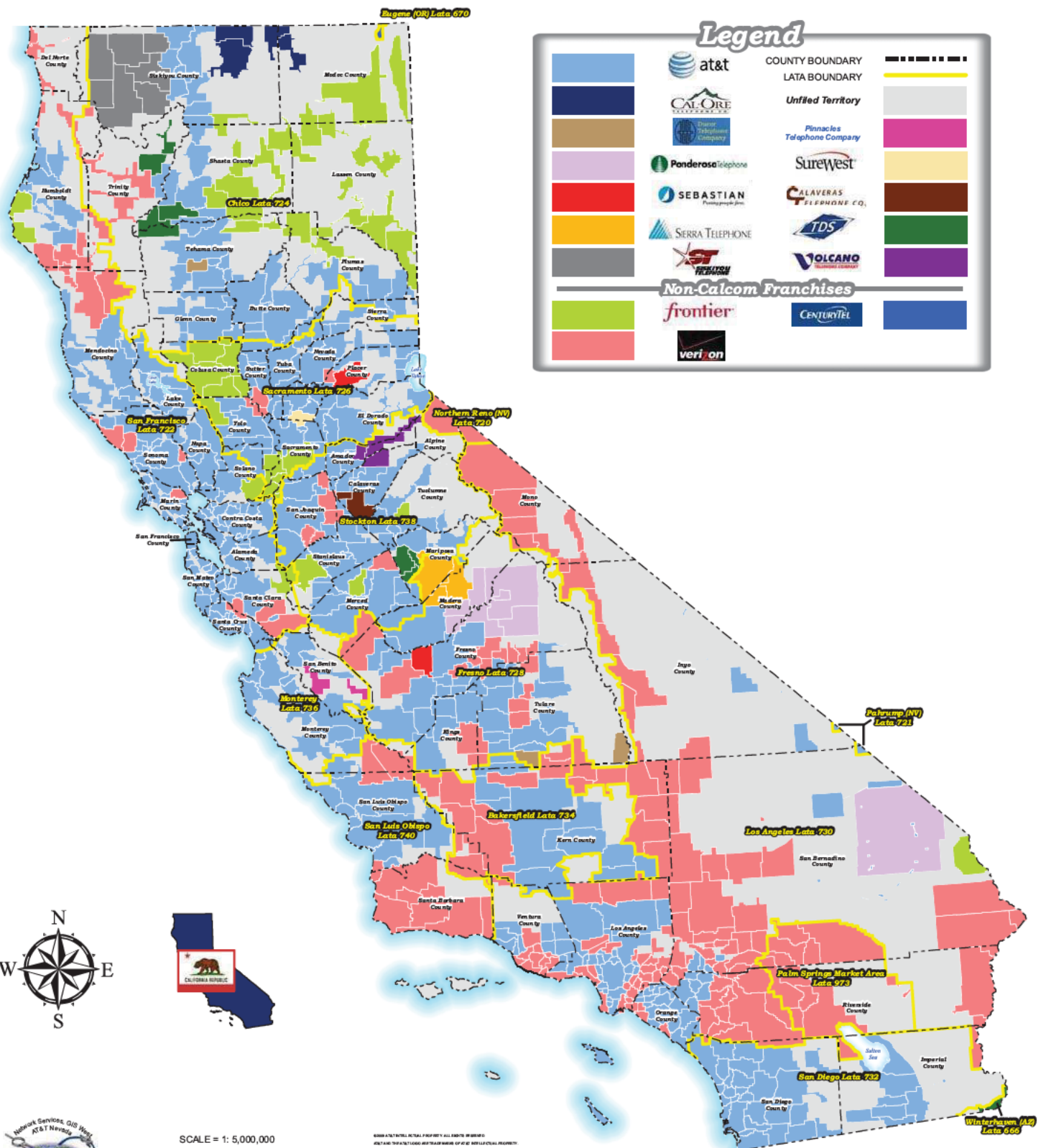
If Applicant wishes to pursue full facilities-based construction projects other than as described in its CPCN Application, Applicant shall file for additional authority from the Commission and shall undergo any required CEQA review before commencing construction.

EXHIBIT E

MAP OF SERVICE AREAS



California Communications Association Telephone Exchange Areas



SCALE = 1: 5,000,000

0 20 40 60 Miles

Map Projection
NAD 83 UTM Zone 10 Transverse Mercator
Map Created 3/9/00

THIS MAP IS A GENERAL REPRESENTATION OF THE LATA BOUNDARIES AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED.



EXHIBIT F - PUBLIC VERSION
Projected Operating Costs and Revenues

Confidential document filed under seal pursuant to Motion to File Under Seal in compliance with General Order 66-D. The exhibit is exempt from disclosure per the California Public Records Act § 6254(k) of the Government Code. The information is protected from disclosure by trade secret privilege per California Evidence Code Section 1060 et seq.

EXHIBIT G – PUBLIC REDACTED VERSION

Guaranty and Bank Statements

Confidential document filed under seal pursuant to Motion to File Under Seal in compliance with General Order 66-D. The exhibit is exempt from disclosure per the California Public Records Act § 6254(k) of the Government Code. The information is protected from disclosure by trade secret privilege per California Evidence Code Section 1060 et seq.

EXHIBIT H - PUBLIC REDACTEDVERSION

Profit and Loss Statement and Balance Sheet

Confidential document filed under seal pursuant to Motion to File Under Seal in compliance with General Order 66-D. The exhibit is exempt from disclosure per the California Public Records Act § 6254(k) of the Government Code. The information is protected from disclosure by trade secret privilege per California Evidence Code Section 1060 et seq.

EXHIBIT I - PUBLIC REDACTED VERSION

Estimate of Customers for First and Fifth Years

Confidential document filed under seal pursuant to Motion to File Under Seal in compliance with General Order 66-D. The exhibit is exempt from disclosure per the California Public Records Act § 6254(k) of the Government Code. The information is protected from disclosure by trade secret privilege per California Evidence Code Section 1060 et seq.

EXHIBIT J

**Executive Biographies
(Redacted)**

Key Management- Etheric Communications LLC

Alexander Hagen - President

Alexander Hagen serves as Etheric Networks' CEO and Founder with over 25+ years of experience in the telecommunication industry. He is responsible for the company's strategy, revenue and customer success – a region home to nearly 20+ employees. Alex has sharpened the company's focus on growth, expansion, and innovation while developing Etheric's workforce with a particular emphasis on engineering excellence. Previously, Alex worked in wireless systems research and development for NTT Docomo from 2000 until 2003. While there, he authored six patents on wireless security, frequency allocation, resource advertising, publication, and discovery, as well as fast handover techniques.

David Bigge - Network & Operations Planning

An Etheric employee since 2012, David provides oversight of all Network/RF/Field engineering, Sales Engineering, and Client Service activities for Etheric. This involves extensive collaboration with the executive team, management teams and employees to identify new areas of growth while directly overseeing the client support processes, production network operation, and network design/plan/build teams. David also handles the planning of Opex and Capex budgets while taking ownership of relevant team hiring, training/mentoring, and employee career growth.

John Williams - FCC Compliance Engineer

John has extensive public safety telecommunication engineering experience, with over 25 years working with 2-38 GHz microwave radio systems, point to multipoint subscriber solutions and MPLS networking (TCP/IP)overlays. He has experience in network design, traffic planning, site evaluation and selection, site surveys, line of sight analysis, propagation and equipment availability calculations, link budget preparation, interference analysis and equipment specification. FCC licensing interface for all Part 101 microwave deployments and manages corporate FCC reporting.

Matt Guillera - Voice Services Manager

Matt is a field technician and sales engineer with extreme knowledge and capabilities in all aspects of VOIP, including engineering, systems, support and deployment. Matt has been working with with VOIP since 2003 and is proficient with many of its early protocols including MGCP, H323 and SCCP. There is no field engineering challenge concerning VOIP that Matt can not control and deliver.

Linda Conover - Finance Manager
[REDACTED]

Linda serves as Etheric Networks's Finance Manager and oversees all accounting and administration functions, including accounts payable, receivable, payroll, corporate and financial reporting. Linda has over 20 years' experience in accounting operations management and data reporting for telecommunications, high-tech and financial services firms in the San Francisco Bay Area. She has a bachelor's degree in business administration with an emphasis in accounting.

Andrew Brickweg - Community & Government Sales Director
[REDACTED]

Andrew manages sales for Etheric networks and also serves as business development director for government initiatives. Andrew draws on his decade of experience managing the LifeLine application fulfillment and processing for the state of California as well as a private carrier. He has been the lead proposal formulator for many complex federal and state RFP's. Andrew utilizes his strong leadership and sales experience to lead motivated teams that exceed aggressive quantitative sales goals.

Laura Schaub - Marketing Director
[REDACTED]

Laura has over 35 years of experience in marketing communications, advertising, public relations and graphic design in the high-tech industry. She is responsible for Etheric's marketing and communications strategies, as well as overall company branding and image. Laura has a bachelor's degree in Art History from the University of California, Santa Barbara.

Board Members**Marcela Aguirre-Green**
[REDACTED]

Marcela is a retired tourism professional with 43 years experience in the airline and travel industry, including LAN Chile airlines in Santiago Chile, Princess Cruises Los Angeles and Iberia Airlines in San Francisco.

Robert Schmidt
[REDACTED]

Robert is a retired Air Force NCO with 20 years in the service as a logistics, resource and budgeting manager. He graduated with a master's degree in finance from Golden Gate University and a master's degree in accounting from the University of Sydney. Robert received his license as an enrolled agent from the IRS in 2009, and has nearly 30 years experience in accounting, finance and resource management.

EXHIBIT K

ORGANIZATIONAL CHART

Etheric Communications

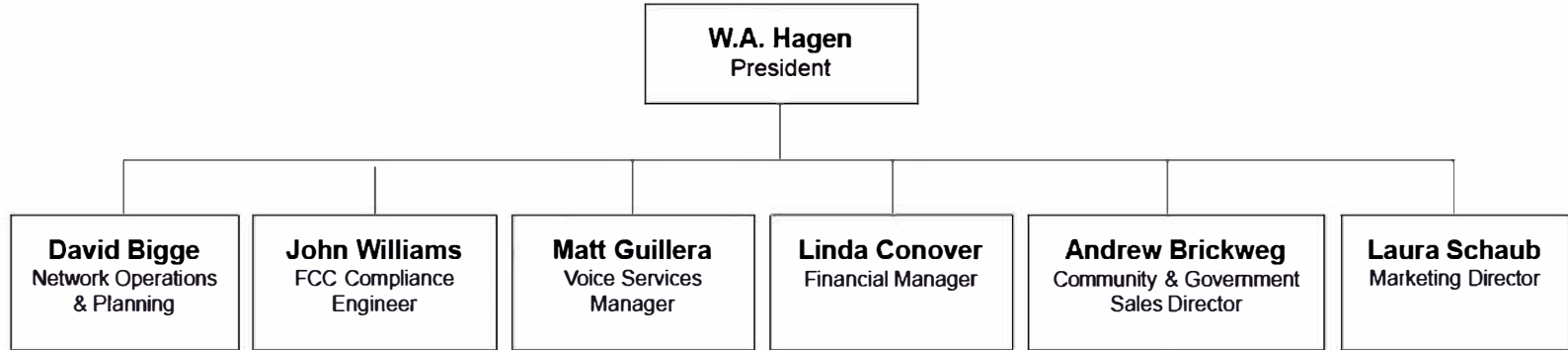


EXHIBIT L

CENSUS BLOCK GROUPS

bidder	item	t.l weight	tier	latency	assigned support	state	county	census id	locations	latitude	longitude
Etheric Communications LLC	CA-015-0002031	0	Gigabit	Low	267201	CA	Del Norte	60150002031	712	41.57543	-124.031
Etheric Communications LLC	CA-053-0107021	0	Gigabit	Low	54433.5	CA	Monterey	60530107021	105	36.55372	-121.601
Etheric Communications LLC	CA-053-0113031	0	Gigabit	Low	303915.5	CA	Monterey	60530113031	531	36.17706	-121.277
Etheric Communications LLC	CA-053-0113041	0	Gigabit	Low	101588.5	CA	Monterey	60530113041	178	36.2399	-120.995
Etheric Communications LLC	CA-069-0002003	0	Gigabit	Low	2981.5	CA	San Benito	60690002003	7	36.84749	-121.525
Etheric Communications LLC	CA-053-0111023	0	Gigabit	Low	26131.5	CA	Monterey	60530111023	59	36.46184	-121.298
Etheric Communications LLC	CA-053-0109001	0	Gigabit	Low	13134.5	CA	Monterey	60530109001	27	36.47176	-121.375
Etheric Communications LLC	CA-053-0145001	0	Gigabit	Low	23876	CA	Monterey	60530145001	388	36.64729	-121.635
Etheric Communications LLC	CA-053-0102022	0	Gigabit	Low	13457.5	CA	Monterey	60530102022	205	36.83215	-121.714
Etheric Communications LLC	CA-069-0008022	0	Gigabit	Low	98945.5	CA	San Benito	60690008022	214	36.74323	-121.396
Etheric Communications LLC	CA-069-0008021	0	Gigabit	Low	273165	CA	San Benito	60690008021	231	36.53625	-120.97
Etheric Communications LLC	CA-053-0114001	0	Gigabit	Low	588653.5	CA	Monterey	60530114001	742	35.97614	-120.697
Etheric Communications LLC	CA-053-0148001	0	Gigabit	Low	209361	CA	Monterey	60530148001	351	36.588	-121.399
Etheric Communications LLC	CA-053-0108042	0	Gigabit	Low	96636.5	CA	Monterey	60530108042	158	36.49901	-121.484
Etheric Communications LLC	CA-053-0112041	0	Gigabit	Low	166497.5	CA	Monterey	60530112041	223	36.35186	-121.243
Etheric Communications LLC	CA-053-0114002	0	Gigabit	Low	596661	CA	Monterey	60530114002	812	35.92539	-121.219
Etheric Communications LLC	CA-053-0111011	0	Gigabit	Low	304456.5	CA	Monterey	60530111011	424	36.36697	-121.476
Etheric Communications LLC	CA-053-0148003	0	Gigabit	Low	32448.5	CA	Monterey	60530148003	46	36.53516	-121.432
Etheric Communications LLC	CA-053-0101021	0	Gigabit	Low	11362.5	CA	Monterey	60530101021	103	36.88661	-121.702
Etheric Communications LLC	CA-069-0002006	0	Gigabit	Low	91945.5	CA	San Benito	60690002006	357	36.88349	-121.598
Etheric Communications LLC	CA-053-0110005	0	Gigabit	Low	109875.5	CA	Monterey	60530110005	524	36.43524	-121.63
Etheric Communications LLC	CA-069-0007021	0	Gigabit	Low	5692	CA	San Benito	60690007021	55	36.83055	-121.413
Etheric Communications LLC	CA-053-0103061	0	Gigabit	Low	72256	CA	Monterey	60530103061	431	36.75108	-121.718
Etheric Communications LLC	CA-053-0132001	0	Gigabit	Low	17631.5	CA	Monterey	60530132001	126	36.56196	-121.805
Etheric Communications LLC	CA-053-0105012	0	Gigabit	Low	45343	CA	Monterey	60530105012	219	36.8039	-121.602
Etheric Communications LLC	CA-069-0003002	0	Gigabit	Low	2070.5	CA	San Benito	60690003002	10	36.86274	-121.423
Etheric Communications LLC	CA-069-0002005	0	Gigabit	Low	10250	CA	San Benito	60690002005	49	36.8788	-121.63
Etheric Communications LLC	CA-053-0147001	0	Gigabit	Low	11797	CA	Monterey	60530147001	89	36.81067	-121.719
Etheric Communications LLC	CA-053-0146012	0	Gigabit	Low	13184	CA	Monterey	60530146012	67	36.81426	-121.77
Etheric Communications LLC	CA-053-0106061	0	Gigabit	Low	185618	CA	Monterey	60530106061	509	36.68088	-121.55
Etheric Communications LLC	CA-053-0101022	0	Gigabit	Low	14631.5	CA	Monterey	60530101022	170	36.88867	-121.654
Etheric Communications LLC	CA-053-0105041	0	Gigabit	Low	10943.5	CA	Monterey	60530105041	33	36.73214	-121.691
Etheric Communications LLC	CA-053-0115021	0	Gigabit	Low	309659.5	CA	Monterey	60530115021	793	36.27932	-121.695
Etheric Communications LLC	CA-053-0102021	0	Gigabit	Low	22425.5	CA	Monterey	60530102021	223	36.84873	-121.724
Etheric Communications LLC	CA-069-0002002	0	Gigabit	Low	13357	CA	San Benito	60690002002	43	36.85895	-121.497
Etheric Communications LLC	CA-069-0002004	0	Gigabit	Low	96505.5	CA	San Benito	60690002004	315	36.81057	-121.503

Etheric Communications LLC	CA-013-3522021	0	Gigabit	Low	43810	CA	Contra Costa	60133522021	85	37.82964	-122.159
Etheric Communications LLC	CA-013-3040011	0	Gigabit	Low	29014	CA	Contra Costa	60133040011	49	37.88375	-121.749
Etheric Communications LLC	CA-001-4513001	0	Gigabit	Low	5908.5	CA	Alameda	60014513001	97	37.69527	-121.797
Etheric Communications LLC	CA-001-4507431	0	Gigabit	Low	18877	CA	Alameda	60014507431	311	37.69349	-121.894
Etheric Communications LLC	CA-085-5033122	0	Gigabit	Low	13809	CA	Santa Clara	60855033122	30	37.34873	-121.762
Etheric Communications LLC	CA-001-4514012	0	Gigabit	Low	5111	CA	Alameda	60014514012	75	37.69718	-121.759
Etheric Communications LLC	CA-001-4506012	0	Gigabit	Low	19431.5	CA	Alameda	60014506012	40	37.66796	-121.94
Etheric Communications LLC	CA-041-1311001	0	Gigabit	Low	38944	CA	Marin	60411311001	94	37.84864	-122.516
Etheric Communications LLC	CA-085-5051002	0	Gigabit	Low	10229.5	CA	Santa Clara	60855051002	148	37.36193	-121.928
Etheric Communications LLC	CA-001-4507521	0	Gigabit	Low	22195	CA	Alameda	60014507521	53	37.74092	-121.824
Etheric Communications LLC	CA-013-3560024	0	Gigabit	Low	25800	CA	Contra Costa	60133560024	56	37.94252	-122.21
Etheric Communications LLC	CA-001-4332004	0	Gigabit	Low	14243.5	CA	Alameda	60014332004	225	37.7068	-122.153
Etheric Communications LLC	CA-087-1004003	0	Gigabit	Low	15140	CA	Santa Cruz	60871004003	242	36.99965	-122.068
Etheric Communications LLC	CA-013-3551121	0	Gigabit	Low	216188.5	CA	Contra Costa	60133551121	435	37.81985	-121.774
Etheric Communications LLC	CA-081-6138002	0	Gigabit	Low	129327	CA	San Mateo	60816138002	257	37.34462	-122.352
Etheric Communications LLC	CA-001-4017001	0	Gigabit	Low	5087.5	CA	Alameda	60014017001	77	37.82438	-122.288
Etheric Communications LLC	CA-087-1202001	0	Gigabit	Low	233309	CA	Santa Cruz	60871202001	394	37.08003	-122.21
Etheric Communications LLC	CA-085-5052023	0	Gigabit	Low	56565.5	CA	Santa Clara	60855052023	871	37.37147	-121.961
Etheric Communications LLC	CA-085-5033303	0	Gigabit	Low	7736	CA	Santa Clara	60855033303	16	37.30903	-121.738
Etheric Communications LLC	CA-013-3551083	0	Gigabit	Low	16424.5	CA	Contra Costa	60133551083	18	37.93977	-121.8
Etheric Communications LLC	CA-001-4090002	0	Gigabit	Low	11925.5	CA	Alameda	60014090002	330	37.75293	-122.211
Etheric Communications LLC	CA-001-4506034	0	Gigabit	Low	8991.5	CA	Alameda	60014506034	241	37.69154	-121.912
Etheric Communications LLC	CA-085-5043181	0	Gigabit	Low	15471	CA	Santa Clara	60855043181	446	37.38147	-121.9
Etheric Communications LLC	CA-085-5087043	0	Gigabit	Low	15601	CA	Santa Clara	60855087043	575	37.38005	-121.992
Etheric Communications LLC	CA-085-5048051	0	Gigabit	Low	25159	CA	Santa Clara	60855048051	930	37.40434	-122.004
Etheric Communications LLC	CA-085-5048052	0	Gigabit	Low	15940	CA	Santa Clara	60855048052	596	37.40098	-122.002
Etheric Communications LLC	CA-013-3461023	0	Gigabit	Low	10680	CA	Contra Costa	60133461023	8	37.86555	-121.969
Etheric Communications LLC	CA-001-4507423	0	Gigabit	Low	5559	CA	Alameda	60014507423	167	37.66991	-121.823
Etheric Communications LLC	CA-085-5043222	0	Gigabit	Low	19021.5	CA	Santa Clara	60855043222	505	37.3949	-121.89
Etheric Communications LLC	CA-085-5048021	0	Gigabit	Low	21655	CA	Santa Clara	60855048021	631	37.40506	-121.991
Etheric Communications LLC	CA-001-4507452	0	Gigabit	Low	5196	CA	Alameda	60014507452	5	37.68139	-121.851
Etheric Communications LLC	CA-075-0101001	0	Gigabit	Low	9542	CA	San Francisco	60750101001	318	37.80852	-122.41
Etheric Communications LLC	CA-081-6080044	0	Gigabit	Low	10268.5	CA	San Mateo	60816080044	214	37.56867	-122.275
Etheric Communications LLC	CA-085-5050011	0	Gigabit	Low	20558.5	CA	Santa Clara	60855050011	422	37.40243	-121.975
Etheric Communications LLC	CA-001-4507013	0	Gigabit	Low	119139	CA	Alameda	60014507013	181	37.55113	-121.805
Etheric Communications LLC	CA-081-6138003	0	Gigabit	Low	21653	CA	San Mateo	60816138003	35	37.31774	-122.259
Etheric Communications LLC	CA-041-1011001	0	Gigabit	Low	15642	CA	Marin	60411011001	26	38.12842	-122.533
Etheric Communications LLC	CA-001-4334001	0	Gigabit	Low	7703	CA	Alameda	60014334001	145	37.69656	-122.17
Etheric Communications LLC	CA-085-5045044	0	Gigabit	Low	17880	CA	Santa Clara	60855045044	331	37.42154	-121.894
Etheric Communications LLC	CA-001-4511013	0	Gigabit	Low	286494	CA	Alameda	60014511013	448	37.63431	-121.616
Etheric Communications LLC	CA-001-4301021	0	Gigabit	Low	26849.5	CA	Alameda	60014301021	43	37.76746	-122.05
Etheric Communications LLC	CA-001-4511015	0	Gigabit	Low	31410	CA	Alameda	60014511015	50	37.64292	-121.75
Etheric Communications LLC	CA-041-1330001	0	Gigabit	Low	362702.5	CA	Marin	60411330001	577	38.18334	-122.802
Etheric Communications LLC	CA-081-6138004	0	Gigabit	Low	192938.5	CA	San Mateo	60816138004	282	37.25135	-122.246
Etheric Communications LLC	CA-085-5044203	0	Gigabit	Low	33480.5	CA	Santa Clara	60855044203	45	37.46503	-121.855
Etheric Communications LLC	CA-085-5050062	0	Gigabit	Low	50905	CA	Santa Clara	60855050062	1215	37.38539	-121.921
Etheric Communications LLC	CA-013-3560022	0	Gigabit	Low	65084	CA	Contra Costa	60133560022	87	37.98996	-122.185
Etheric Communications LLC	CA-075-9809001	0	Gigabit	Low	13174.5	CA	San Francisco	60759809001	227	37.74629	-122.389
Etheric Communications LLC	CA-085-5050071	0	Gigabit	Low	16573	CA	Santa Clara	60855050071	359	37.3814	-121.943
Etheric Communications LLC	CA-085-5048032	0	Gigabit	Low	14360	CA	Santa Clara	60855048032	337	37.40112	-122.016
Etheric Communications LLC	CA-041-1330003	0	Gigabit	Low	171574.5	CA	Marin	60411330003	775	38.26812	-122.924
Etheric Communications LLC	CA-085-5109002	0	Gigabit	Low	8109.5	CA	Santa Clara	60855109002	35	37.42786	-122.129

Etheric Communications LLC	CA-001-4351031	0	Gigabit	Low	37833.5	CA	Alameda	60014351031	165	37.64648	-121.975
Etheric Communications LLC	CA-085-5046021	0	Gigabit	Low	29660	CA	Santa Clara	60855046021	269	37.44953	-121.994
Etheric Communications LLC	CA-013-3553061	0	Gigabit	Low	29398	CA	Contra Costa	60133553061	130	37.89175	-121.925
Etheric Communications LLC	CA-001-4511011	0	Gigabit	Low	26404	CA	Alameda	60014511011	239	37.75115	-121.703
Etheric Communications LLC	CA-087-1207003	0	Gigabit	Low	7438	CA	Santa Cruz	60871207003	65	37.01666	-122.049
Etheric Communications LLC	CA-087-1223001	0	Gigabit	Low	12908	CA	Santa Cruz	60871223001	110	36.90283	-121.816
Etheric Communications LLC	CA-001-4359003	0	Gigabit	Low	5592	CA	Alameda	60014359003	50	37.66787	-122.152
Etheric Communications LLC	CA-001-4090003	0	Gigabit	Low	5967.5	CA	Alameda	60014090003	51	37.73113	-122.194
Etheric Communications LLC	CA-075-0105001	0	Gigabit	Low	7113.5	CA	San Francisco	60750105001	68	37.80268	-122.399
Etheric Communications LLC	CA-087-1224006	0	Gigabit	Low	10097.5	CA	Santa Cruz	60871224006	40	36.97458	-121.849
Etheric Communications LLC	CA-085-5117051	0	Gigabit	Low	20091.5	CA	Santa Clara	60855117051	134	37.40555	-122.162
Etheric Communications LLC	CA-013-3010002	0	Gigabit	Low	11897.5	CA	Contra Costa	60133010002	82	38.02964	-121.629
Etheric Communications LLC	CA-013-3032052	0	Gigabit	Low	22557	CA	Contra Costa	60133032052	142	37.90915	-121.695
Etheric Communications LLC	CA-013-3452031	0	Gigabit	Low	16391.5	CA	Contra Costa	60133452031	80	37.80223	-122.025
Etheric Communications LLC	CA-013-3031031	0	Gigabit	Low	18563.5	CA	Contra Costa	60133031031	139	37.93665	-121.662
Etheric Communications LLC	CA-001-4017003	0	Gigabit	Low	7188.5	CA	Alameda	60014017003	39	37.82252	-122.308
Etheric Communications LLC	CA-041-1311002	0	Gigabit	Low	32710	CA	Marin	60411311002	245	37.88281	-122.585
Etheric Communications LLC	CA-081-6137003	0	Gigabit	Low	19343.5	CA	San Mateo	60816137003	52	37.42514	-122.406
Etheric Communications LLC	CA-001-4512021	0	Gigabit	Low	28223	CA	Alameda	60014512021	77	37.73492	-121.77
Etheric Communications LLC	CA-001-4283014	0	Gigabit	Low	10358	CA	Alameda	60014283014	102	37.73294	-122.252
Etheric Communications LLC	CA-001-4511014	0	Gigabit	Low	6666.5	CA	Alameda	60014511014	94	37.6892	-121.707
Etheric Communications LLC	CA-001-4301013	0	Gigabit	Low	15257	CA	Alameda	60014301013	37	37.72994	-122.012
Etheric Communications LLC	CA-085-5046011	0	Gigabit	Low	19255	CA	Santa Clara	60855046011	272	37.44282	-122.086
Etheric Communications LLC	CA-085-5091021	0	Gigabit	Low	23369	CA	Santa Clara	60855091021	248	37.39196	-122.037
Etheric Communications LLC	CA-075-9803001	0	Gigabit	Low	5116.5	CA	San Francisco	60759803001	18	37.7684	-122.492
Etheric Communications LLC	CA-085-5043081	0	Gigabit	Low	15144	CA	Santa Clara	60855043081	53	37.41628	-121.828
Etheric Communications LLC	CA-081-6016041	0	Gigabit	Low	20149	CA	San Mateo	60816016041	211	37.66951	-122.469
Etheric Communications LLC	CA-001-4513003	0	Gigabit	Low	24595.5	CA	Alameda	60014513003	262	37.68869	-121.821
Etheric Communications LLC	CA-087-1205003	0	Gigabit	Low	21537	CA	Santa Cruz	60871205003	73	37.18828	-122.166
Etheric Communications LLC	CA-001-4401001	0	Gigabit	Low	8353	CA	Alameda	60014401001	28	37.61627	-121.981
Etheric Communications LLC	CA-087-1233001	0	Gigabit	Low	43871.5	CA	Santa Cruz	60871233001	152	36.93394	-121.675
Etheric Communications LLC	CA-085-5122002	0	Gigabit	Low	171178	CA	Santa Clara	60855122002	630	37.02008	-121.688
Etheric Communications LLC	CA-001-4511022	0	Gigabit	Low	7665.5	CA	Alameda	60014511022	27	37.64941	-121.789
Etheric Communications LLC	CA-013-3551071	0	Gigabit	Low	66438.5	CA	Contra Costa	60133551071	237	37.9317	-121.857
Etheric Communications LLC	CA-087-1224001	0	Gigabit	Low	108204.5	CA	Santa Cruz	60871224001	398	37.02544	-121.787
Etheric Communications LLC	CA-081-6001001	0	Gigabit	Low	17822.5	CA	San Mateo	60816001001	199	37.68774	-122.408
Etheric Communications LLC	CA-001-4287002	0	Gigabit	Low	8709	CA	Alameda	60014287002	98	37.78752	-122.316
Etheric Communications LLC	CA-085-5087042	0	Gigabit	Low	18149.5	CA	Santa Clara	60855087042	196	37.37994	-122.009
Etheric Communications LLC	CA-041-1321002	0	Gigabit	Low	108583.5	CA	Marin	60411321002	1167	37.92164	-122.698
Etheric Communications LLC	CA-001-4302001	0	Gigabit	Low	8887.5	CA	Alameda	60014302001	27	37.72717	-122.058
Etheric Communications LLC	CA-041-1330002	0	Gigabit	Low	140294	CA	Marin	60411330002	461	38.06565	-122.664
Etheric Communications LLC	CA-081-6023001	0	Gigabit	Low	18306.5	CA	San Mateo	60816023001	200	37.65162	-122.399
Etheric Communications LLC	CA-045-0117001	0	Gigabit	Low	57244.5	CA	Mendocino	60450117001	73	39.1624	-123.111
Etheric Communications LLC	CA-045-0113003	0	Gigabit	Low	39569	CA	Mendocino	60450113003	61	39.06853	-123.257
Etheric Communications LLC	CA-033-0009001	0	Gigabit	Low	17249	CA	Lake	60330009001	63	38.93008	-122.701
Etheric Communications LLC	CA-033-0012002	0	Gigabit	Low	19193.5	CA	Lake	60330012002	27	38.84779	-122.465
Etheric Communications LLC	CA-033-0013005	0	Gigabit	Low	49369.5	CA	Lake	60330013005	149	38.75314	-122.679
Etheric Communications LLC	CA-033-0012003	0	Gigabit	Low	24140.5	CA	Lake	60330012003	83	38.86505	-122.639
Etheric Communications LLC	CA-033-0012001	0	Gigabit	Low	55740.5	CA	Lake	60330012001	63	38.94631	-122.478
Etheric Communications LLC	CA-045-0113002	0	Gigabit	Low	39983	CA	Mendocino	60450113002	56	39.14107	-123.325
Etheric Communications LLC	CA-023-0111004	0	Gigabit	Low	108260	CA	Humboldt	60230111004	198	40.45519	-124.015
Etheric Communications LLC	CA-023-0115002	0	Gigabit	Low	683199	CA	Humboldt	60230115002	1252	40.19216	-124.007

Etheric Communications LLC	CA-045-0108021	0	Gigabit	Low	65788	CA	Mendocino	60450108021	148	39.34924	-123.076
Etheric Communications LLC	CA-045-0112002	0	Gigabit	Low	191232	CA	Mendocino	60450112002	458	38.98674	-123.392
Etheric Communications LLC	CA-045-0111022	0	Gigabit	Low	102069.5	CA	Mendocino	60450111022	205	38.90382	-123.654
Etheric Communications LLC	CA-045-0110011	0	Gigabit	Low	301210	CA	Mendocino	60450110011	628	39.16333	-123.693
Etheric Communications LLC	CA-045-0110022	0	Gigabit	Low	72763.5	CA	Mendocino	60450110022	151	39.30536	-123.683
Etheric Communications LLC	CA-023-0115003	0	Gigabit	Low	534220	CA	Humboldt	60230115003	619	40.10674	-123.843
Etheric Communications LLC	CA-045-0103002	0	Gigabit	Low	58441	CA	Mendocino	60450103002	65	39.45517	-123.638
Etheric Communications LLC	CA-023-0112003	0	Gigabit	Low	424779.5	CA	Humboldt	60230112003	473	40.36099	-124.196
Etheric Communications LLC	CA-023-0111003	0	Gigabit	Low	102387.6	CA	Humboldt	60230111003	151	40.44114	-124.1
Etheric Communications LLC	CA-023-0109021	0	Gigabit	Low	452667.5	CA	Humboldt	60230109021	525	40.47608	-123.733
Etheric Communications LLC	CA-045-0109001	0	Gigabit	Low	211312	CA	Mendocino	60450109001	223	39.25959	-123.381
Etheric Communications LLC	CA-051-0001024	0	Gigabit	Low	64934.9	CA	Mono	60510001024	67	38.01865	-119.06
Etheric Communications LLC	CA-051-0001011	0	Gigabit	Low	85976	CA	Mono	60510001011	83	37.73836	-118.475
Etheric Communications LLC	CA-023-0012002	0	Gigabit	Low	124578	CA	Humboldt	60230012002	132	40.68542	-123.751
Etheric Communications LLC	CA-027-0008001	0	Gigabit	Low	522806	CA	Inyo	60270008001	516	36.27068	-116.813
Etheric Communications LLC	CA-045-0111021	0	Gigabit	Low	247042.5	CA	Mendocino	60450111021	365	38.92004	-123.508
Etheric Communications LLC	CA-033-0013001	0	Gigabit	Low	86519	CA	Lake	60330013001	130	38.7451	-122.522
Etheric Communications LLC	CA-045-0108011	0	Gigabit	Low	102385.5	CA	Mendocino	60450108011	165	39.33831	-123.207
Etheric Communications LLC	CA-033-0005013	0	Gigabit	Low	64238.5	CA	Lake	60330005013	85	39.16202	-122.707
Etheric Communications LLC	CA-045-0112001	0	Gigabit	Low	616015	CA	Mendocino	60450112001	824	39.16995	-123.538
Etheric Communications LLC	CA-027-0005001	0	Gigabit	Low	97376.43	CA	Inyo	60270005001	159	36.94495	-117.901
Etheric Communications LLC	CA-023-0112002	0	Gigabit	Low	84548.23	CA	Humboldt	60230112002	292	40.56438	-124.229
Etheric Communications LLC	CA-093-0005001	0	Gigabit	Low	11475	CA	Siskiyou	60930005001	9	41.92421	-123.261
Etheric Communications LLC	CA-089-0126011	0	Gigabit	Low	36056	CA	Shasta	60890126011	75	40.92354	-122.06
Etheric Communications LLC	CA-089-0118031	0	Gigabit	Low	17639.5	CA	Shasta	60890118031	33	40.73994	-122.286
Etheric Communications LLC	CA-063-0003004	0	Gigabit	Low	23548.5	CA	Plumas	60630003004	34	39.91401	-120.336
Etheric Communications LLC	CA-063-0005022	0	Gigabit	Low	24831.5	CA	Plumas	60630005022	27	40.17632	-121.223
Etheric Communications LLC	CA-063-0004001	0	Gigabit	Low	34337.5	CA	Plumas	60630004001	49	40.13844	-120.72
Etheric Communications LLC	CA-063-0005012	0	Gigabit	Low	1335	CA	Plumas	60630005012	1	40.29176	-121.233
Etheric Communications LLC	CA-063-0002011	0	Gigabit	Low	14685	CA	Plumas	60630002011	11	39.78375	-120.661
Etheric Communications LLC	CA-063-0004002	0	Gigabit	Low	30541	CA	Plumas	60630004002	35	40.03468	-121.177
Etheric Communications LLC	CA-023-0102002	0	Gigabit	Low	9744	CA	Humboldt	60230102002	53	41.06355	-124.115
Etheric Communications LLC	CA-023-0106001	0	Gigabit	Low	63087	CA	Humboldt	60230106001	117	40.71275	-124.047
Etheric Communications LLC	CA-023-0103001	0	Gigabit	Low	22119	CA	Humboldt	60230103001	64	40.97845	-124.016
Etheric Communications LLC	CA-105-0002001	0	Gigabit	Low	446650.91	CA	Trinity	61050002001	790	40.95028	-123.235
Etheric Communications LLC	CA-093-0004001	0	Gigabit	Low	235276	CA	Siskiyou	60930004001	440	41.94665	-122.635
Etheric Communications LLC	CA-105-0001012	0	Gigabit	Low	286825.2	CA	Trinity	61050001012	669	40.5792	-122.864
Etheric Communications LLC	CA-021-0103001	0	Gigabit	Low	242627.5	CA	Glenn	60210103001	272	39.50673	-122.519
Etheric Communications LLC	CA-021-0103003	0	Gigabit	Low	163221.5	CA	Glenn	60210103003	166	39.70424	-122.537
Etheric Communications LLC	CA-105-0001013	0	Gigabit	Low	226219.65	CA	Trinity	61050001013	338	40.65087	-122.948
Etheric Communications LLC	CA-105-0004001	0	Gigabit	Low	430030.5	CA	Trinity	61050004001	645	40.18693	-123.195
Etheric Communications LLC	CA-089-0125001	0	Gigabit	Low	121443	CA	Shasta	60890125001	165	40.99316	-122.28
Etheric Communications LLC	CA-105-0001011	0	Gigabit	Low	53495.3	CA	Trinity	61050001011	144	41.01716	-122.64
Etheric Communications LLC	CA-105-0002002	0	Gigabit	Low	247215	CA	Trinity	61050002002	621	40.89696	-123.544
Etheric Communications LLC	CA-033-0011001	0	Gigabit	Low	38662.5	CA	Lake	60330011001	554	38.80954	-122.732
Etheric Communications LLC	CA-097-1535024	0	Gigabit	Low	24446	CA	Sonoma	60971535024	128	38.33354	-122.876
Etheric Communications LLC	CA-097-1543023	0	Gigabit	Low	20794	CA	Sonoma	60971543023	21	38.37121	-123.009
Etheric Communications LLC	CA-097-1540001	0	Gigabit	Low	70885	CA	Sonoma	60971540001	72	38.65234	-122.994
Etheric Communications LLC	CA-097-1537034	0	Gigabit	Low	21612	CA	Sonoma	60971537034	31	38.45337	-122.992
Etheric Communications LLC	CA-055-2012001	0	Gigabit	Low	22588.5	CA	Napa	60552012001	101	38.40688	-122.397
Etheric Communications LLC	CA-097-1505004	0	Gigabit	Low	31996	CA	Sonoma	60971505004	81	38.39839	-122.502
Etheric Communications LLC	CA-097-1505003	0	Gigabit	Low	28660.5	CA	Sonoma	60971505003	119	38.37397	-122.573

Etheric Communications LLC	CA-055-2015001	0	Gigabit	Low	52642	CA	Napa	60552015001	164	38.48719	-122.508
Etheric Communications LLC	CA-055-2011021	0	Gigabit	Low	65601	CA	Napa	60552011021	307	38.32477	-122.371
Etheric Communications LLC	CA-097-1513091	0	Gigabit	Low	25990	CA	Sonoma	60971513091	163	38.34065	-122.625
Etheric Communications LLC	CA-097-1537051	0	Gigabit	Low	38328.5	CA	Sonoma	60971537051	43	38.52463	-122.938
Etheric Communications LLC	CA-093-0011001	0	Gigabit	Low	12015	CA	Siskiyou	60930011001	9	41.21352	-122.392
Etheric Communications LLC	CA-093-0003002	0	Gigabit	Low	33220.5	CA	Siskiyou	60930003002	49	41.82107	-122.527
Etheric Communications LLC	CA-081-6138001	0	Gigabit	Low	111681	CA	San Mateo	60816138001	217	37.19935	-122.361
Etheric Communications LLC	CA-105-0001021	0	Gigabit	Low	163527.79	CA	Trinity	61050001021	296	41.00948	-122.822
Etheric Communications LLC	CA-063-0005011	0	Gigabit	Low	44982.5	CA	Plumas	60630005011	88	40.36716	-121.356
Etheric Communications LLC	CA-023-0101022	0	Gigabit	Low	128682.5	CA	Humboldt	60230101022	286	41.3071	-123.839
Etheric Communications LLC	CA-089-0126013	0	Gigabit	Low	244256.5	CA	Shasta	60890126013	577	40.64418	-122.015
Etheric Communications LLC	CA-055-2017001	0	Gigabit	Low	134547	CA	Napa	60552017001	272	38.54245	-122.42
Etheric Communications LLC	CA-063-0002022	0	Gigabit	Low	175463	CA	Plumas	60630002022	363	39.82367	-121.098
Etheric Communications LLC	CA-089-0124001	0	Gigabit	Low	81175.5	CA	Shasta	60890124001	96	40.71412	-122.566
Etheric Communications LLC	CA-023-0103005	0	Gigabit	Low	169938.5	CA	Humboldt	60230103005	251	40.93071	-123.875
Etheric Communications LLC	CA-033-0001002	0	Gigabit	Low	518928.5	CA	Lake	60330001002	776	39.32641	-122.922
Etheric Communications LLC	CA-083-0018001	0	Gigabit	Low	352380	CA	Santa Barbara	60830018001	590	34.77765	-119.718
Etheric Communications LLC	CA-045-0102003	0	Gigabit	Low	247804.5	CA	Mendocino	60450102003	329	39.76648	-123.808
Etheric Communications LLC	CA-009-0005042	0	Gigabit	Low	144733.5	CA	Calaveras	60090005042	187	38.41915	-120.202
Etheric Communications LLC	CA-023-0101021	0	Gigabit	Low	190394	CA	Humboldt	60230101021	791	41.01664	-123.765
Etheric Communications LLC	CA-097-1501002	0	Gigabit	Low	81612	CA	Sonoma	60971501002	405	38.22165	-122.474
Etheric Communications LLC	CA-023-0101023	0	Gigabit	Low	105413	CA	Humboldt	60230101023	282	41.29252	-123.622
Etheric Communications LLC	CA-097-1506122	0	Gigabit	Low	171786	CA	Sonoma	60971506122	433	38.21169	-122.534
Etheric Communications LLC	CA-023-0102001	0	Gigabit	Low	84077.5	CA	Humboldt	60230102001	280	41.20312	-124.021
Etheric Communications LLC	CA-055-2018001	0	Gigabit	Low	79880	CA	Napa	60552018001	259	38.73562	-122.331
Etheric Communications LLC	CA-085-5135001	0	Gigabit	Low	304995.6	CA	Santa Clara	60855135001	365	37.2481	-121.528
Etheric Communications LLC	CA-051-0001014	0	Gigabit	Low	18114.8	CA	Mono	60510001014	68	37.5488	-118.84
Etheric Communications LLC	CA-051-0002008	0	Gigabit	Low	22518.8	CA	Mono	60510002008	130	37.60885	-118.971
Etheric Communications LLC	CA-023-0116001	0	Gigabit	Low	458522.25	CA	Humboldt	60230116001	678	40.22162	-123.687
Etheric Communications LLC	CA-045-0102001	0	Gigabit	Low	353610.95	CA	Mendocino	60450102001	566	39.80577	-123.479
Etheric Communications LLC	CA-105-0004002	0	Gigabit	Low	258090.8	CA	Trinity	61050004002	363	40.16125	-123.443
Etheric Communications LLC	CA-045-0106001	0	Gigabit	Low	411714.8	CA	Mendocino	60450106001	668	39.52037	-123.351
Etheric Communications LLC	CA-045-0102004	0	Gigabit	Low	294053.2	CA	Mendocino	60450102004	502	39.64857	-123.576
Etheric Communications LLC	CA-045-0102002	0	Gigabit	Low	286423.9	CA	Mendocino	60450102002	540	39.88077	-123.696
Etheric Communications LLC	CA-105-0003001	0	Gigabit	Low	326169.6	CA	Trinity	61050003001	645	40.43799	-123.191
Etheric Communications LLC	CA-023-0107002	0	Gigabit	Low	59302	CA	Humboldt	60230107002	154	40.68006	-124.137
Etheric Communications LLC	CA-023-0108001	0	Gigabit	Low	43574.8	CA	Humboldt	60230108001	132	40.66595	-124.24
Etheric Communications LLC	CA-023-0108002	0	Gigabit	Low	18232	CA	Humboldt	60230108002	76	40.62199	-124.165
Etheric Communications LLC	CA-085-5122001	0	Gigabit	Low	74446.4	CA	Santa Clara	60855122001	180	37.12448	-121.766
Etheric Communications LLC	CA-105-0003002	0	Gigabit	Low	255542	CA	Trinity	61050003002	684	40.59816	-123.307
Etheric Communications LLC	CA-103-0003001	0	Gigabit	Low	66905.52	CA	Tehama	61030003001	98	40.16675	-122.626
Etheric Communications LLC	CA-027-0002002	0	Gigabit	Low	31805.23	CA	Inyo	60270002002	56	37.23056	-118.456
Etheric Communications LLC	CA-051-0001023	0	Gigabit	Low	208206	CA	Mono	60510001023	396	38.26494	-119.32
Etheric Communications LLC	CA-103-0001001	0	Gigabit	Low	196830.96	CA	Tehama	61030001001	583	40.32968	-121.827
Etheric Communications LLC	CA-027-0002001	0	Gigabit	Low	94542.01	CA	Inyo	60270002001	274	37.34736	-118.603
Etheric Communications LLC	CA-089-0127021	0	Gigabit	Low	180796.03	CA	Shasta	60890127021	546	41.14978	-121.444
Etheric Communications LLC	CA-089-0127023	0	Gigabit	Low	190654.36	CA	Shasta	60890127023	619	40.79614	-121.416
Etheric Communications LLC	CA-089-0126012	0	Gigabit	Low	92049.54	CA	Shasta	60890126012	341	40.85615	-121.866
Etheric Communications LLC	CA-087-1205005	0	Gigabit	Low	60281.4	CA	Santa Cruz	60871205005	232	37.16412	-122.094
Etheric Communications LLC	CA-085-5117071	0	Gigabit	Low	58905.3	CA	Santa Clara	60855117071	362	37.29268	-122.12
Etheric Communications LLC	CA-089-0127022	0	Gigabit	Low	122486.55	CA	Shasta	60890127022	791	41.04737	-121.522
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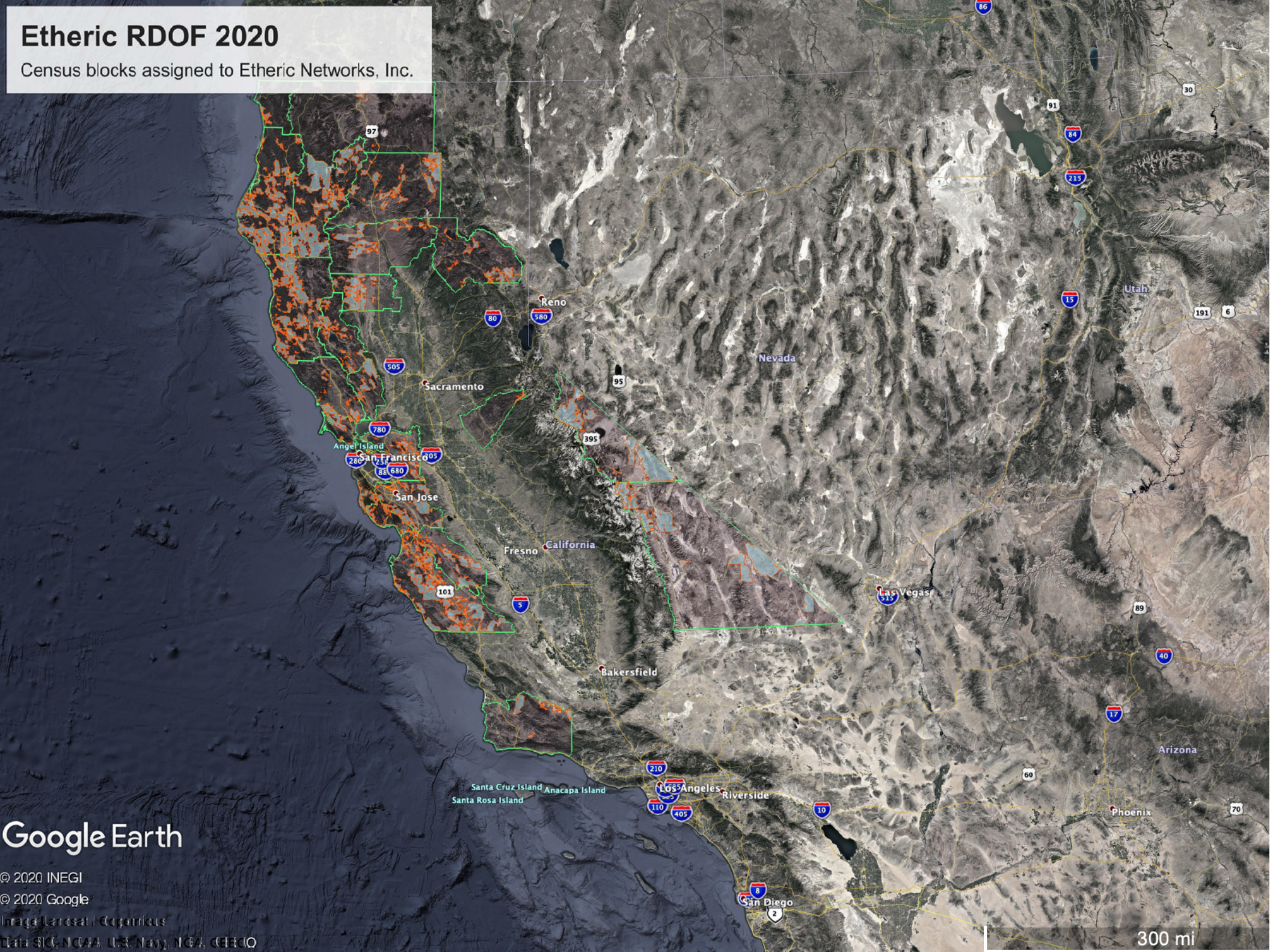
Etheric Communications LLC	CA-089-0106031	0	Gigabit	Low	1900.2	CA	Shasta	60890106031	41	40.59375	-122.451
Etheric Communications LLC	CA-085-5118001	0	Gigabit	Low	13041	CA	Santa Clara	60855118001	403	37.18435	-122.008
Etheric Communications LLC	CA-085-5118003	0	Gigabit	Low	46699.2	CA	Santa Clara	60855118003	117	37.15406	-121.906
Etheric Communications LLC	CA-087-1210002	0	Gigabit	Low	20917	CA	Santa Cruz	60871210002	109	37.09518	-121.873
Etheric Communications LLC	CA-087-1206002	0	Gigabit	Low	7486.4	CA	Santa Cruz	60871206002	49	37.09873	-122.03
Etheric Communications LLC	CA-087-1210001	0	Gigabit	Low	13298.8	CA	Santa Cruz	60871210001	145	37.10433	-121.961
Etheric Communications LLC	CA-087-1205002	0	Gigabit	Low	29187.2	CA	Santa Cruz	60871205002	324	37.12737	-122

EXHIBIT M

SHAPE FILE MAP

Etheric RDOF 2020

Census blocks assigned to Etheric Networks, Inc.



Google Earth

© 2020 INEGI
© 2020 Google
Image Landsat / Copernicus
Data SIC, NOAA, U.S. Navy, NGA, GEBCO

300 mi

EXHIBIT N

TWO-YEAR SUMMARY AND SIX-YEAR SUMMARY PLAN

Confidential document filed under seal pursuant to Motion to File Under Seal in compliance with General Order 66-D. The exhibit is exempt from disclosure per the California Public Records Act § 6254(k) of the Government Code. The information is protected from disclosure by trade secret privilege per California Evidence Code Section 1060 et seq.

VERIFICATIONS

SWORN AFFIDAVIT
(Pursuant to D.13-05-035, Attachment B)

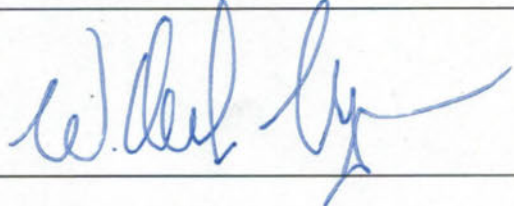
Name of Applicant/Company: Etheric Communications, LLC. My name is William Alexander Hagen. I am Chief Executive Officer of Etheric Communications, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Etheric Communications, LLC. I affirm that Etheric Communications, LLC:

- Agrees to comply with all federal and state statutes, rules, and regulations related to a Certificate of Public Convenience and Necessity (CPCN), Eligible Telecommunications Carrier designation (ETC), and state contractual rules and regulations, if granted the request in this application; and
- Certifies that all answers to the attached Application for CPCN and ETC designation are true and correct;
- In the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, Etheric Communications, LLC will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.
- Certifies that Applicant is up-to-date on all surcharge and user fee payments if Applicant is already providing service in California.
- Certifies that neither Applicant nor anyone involved with Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant, or anyone acting in a management capacity for Applicant, has
 - (a) held one of these positions with a company that filed for bankruptcy; been associated with a telecommunications carrier that filed for bankruptcy,
 - (e) had a telecommunications license or operating authority denied, suspended, revoked or limited in any jurisdiction,
 - (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulations, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or

- (g) been found to have violated any statute, law or rule pertaining to public utilities or other regulated industries; or
- (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or
- (i) is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: December 30, 2020

	 _____ Signature and title <u>CEO</u>
	Printed Name and Title: <u>William Alexander Hagen</u> CEO of Etheric Communications

Please see additional information in Confidential Attachment V-1.

SWORN AFFIDAVIT
(Pursuant to D.13-05-035, Attachment B)

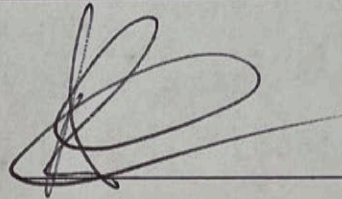
Name of Applicant/Company: Etheric Communications, LLC. My name is Andrew Brickweg. I am Community & Government Sales Director of Etheric Communications, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Etheric Communications, LLC. I affirm that Etheric Communications, LLC:

- Agrees to comply with all federal and state statutes, rules, and regulations related to a Certificate of Public Convenience and Necessity (CPCN), Eligible Telecommunications Carrier designation (ETC), and state contractual rules and regulations, if granted the request in this application; and
- Certifies that all answers to the attached Application for CPCN and ETC designation are true and correct;
- In the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, Etheric Communications, LLC will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.
- Certifies that Applicant is up-to-date on all surcharge and user fee payments if Applicant is already providing service in California
- Certifies that neither Applicant nor anyone involved with Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant, or anyone acting in a management capacity for Applicant, has
 - (a) held one of these positions with a company that filed for bankruptcy; been associated with a telecommunications carrier that filed for bankruptcy,
 - (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
 - (c) been convicted of a felony,
 - (d) been the subject of criminal referral by a judge or public agency,
 - (e) had a telecommunications license or operating authority denied, suspended, revoked or limited in any jurisdiction,

- (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulations, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or
- (g) been found to have violated any statute, law or rule pertaining to public utilities or other regulated industries; or
- (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or
- (i) is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: December 31, 2020



Signature and title

Printed Name and Title:

Andrew Brickweg

Community & Government Sales Director
of Etheric Communications

SWORN AFFIDAVIT
(Pursuant to D.13-05-035, Attachment B)


Name of Applicant/Company: Etheric Communications, LLC. My name is [Allen M. Guillera]. I am [Systems Engineer] of Etheric Communications, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Etheric Communications, LLC. I affirm that Etheric Communications, LLC:

- Agrees to comply with all federal and state statutes, rules, and regulations related to a Certificate of Public Convenience and Necessity (CPCN), Eligible Telecommunications Carrier designation (ETC), and state contractual rules and regulations, if granted the request in this application; and
- Certifies that all answers to the attached Application for CPCN and ETC designation are true and correct;
- In the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, Etheric Communications, LLC will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.
- Certifies that Applicant is up-to-date on all surcharge and user fee payments if Applicant is already providing service in California
- Certifies that neither Applicant nor anyone involved with Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant, or anyone acting in a management capacity for Applicant, has
 - (a) held one of these positions with a company that filed for bankruptcy; been associated with a telecommunications carrier that filed for bankruptcy,
 - (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
 - (c) been convicted of a felony,
 - (d) been the subject of criminal referral by a judge or public agency,
 - (e) had a telecommunications license or operating authority denied, suspended, revoked or limited in any jurisdiction,

- (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulations, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or
- (g) been found to have violated any statute, law or rule pertaining to public utilities or other regulated industries; or
- (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or
- (i) is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: December 31, 2020

 Signature and title
Printed Name and Title: <u>ALLEN M. GUILLERA</u> [Systems Engineer] of Etheric Communications

SWORN AFFIDAVIT
(Pursuant to D.13-05-035, Attachment B)

Name of Applicant/Company: Etheric Communications, LLC. My name is John Williams. I am an RF Engineer at Etheric Communications, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Etheric Communications, LLC. I affirm that Etheric Communications, LLC:

- Agrees to comply with all federal and state statutes, rules, and regulations related to a Certificate of Public Convenience and Necessity (CPCN), Eligible Telecommunications Carrier designation (ETC), and state contractual rules and regulations, if granted the request in this application; and
- Certifies that all answers to the attached Application for CPCN and ETC designation are true and correct;
- In the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, Etheric Communications, LLC will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.
- Certifies that Applicant is up-to-date on all surcharge and user fee payments if Applicant is already providing service in California
- Certifies that neither Applicant nor anyone involved with Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant, or anyone acting in a management capacity for Applicant, has
 - (a) held one of these positions with a company that filed for bankruptcy; been associated with a telecommunications carrier that filed for bankruptcy,
 - (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
 - (c) been convicted of a felony,
 - (d) been the subject of criminal referral by a judge or public agency,
 - (e) had a telecommunications license or operating authority denied, suspended, revoked or limited in any jurisdiction,
 - (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections

17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulations, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or

(g) been found to have violated any statute, law or rule pertaining to public utilities or other regulated industries; or

(h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or

(i) is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: January 02 nd, 2021

John Williams
RF Engineer

Signature and title

01/02/2021

Printed Name and Title:

John Williams

RF Engineer, Etheric Communications

SWORN AFFIDAVIT
(Pursuant to D.13-05-035, Attachment B)

Name of Applicant/Company: Etheric Communications, LLC. My name is Linda Conover. I am Finance Manager of Etheric Communications, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Etheric Communications, LLC. I affirm that Etheric Communications, LLC:

- Agrees to comply with all federal and state statutes, rules, and regulations related to a Certificate of Public Convenience and Necessity (CPCN), Eligible Telecommunications Carrier designation (ETC), and state contractual rules and regulations, if granted the request in this application; and
- Certifies that all answers to the attached Application for CPCN and ETC designation are true and correct;
- In the event Applicant's request for a CPCN is granted, Applicant agrees to post a continuous bond (i.e., there is no termination date on the bond) performance bond equivalent to in the amount of \$25,000 for the first year of operation or 10% of intrastate revenue (for subsequent years), issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. Further, Etheric Communications, LLC will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority.
- Certifies that Applicant is up-to-date on all surcharge and user fee payments if Applicant is already providing service in California
- Certifies that neither Applicant nor anyone involved with Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant, or anyone acting in a management capacity for Applicant, has
 - (a) held one of these positions with a company that filed for bankruptcy; been associated with a telecommunications carrier that filed for bankruptcy,
 - (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
 - (c) been convicted of a felony,
 - (d) been the subject of criminal referral by a judge or public agency,
 - (e) had a telecommunications license or operating authority denied, suspended, revoked or limited in any jurisdiction,
 - (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections

17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulations, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or

(g) been found to have violated any statute, law or rule pertaining to public utilities or other regulated industries; or

(h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or

(i) is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: December 31, 2020

 Finance Manager

Signature and title

Printed Name and Title:

Linda Conover

Finance Manager of Etheric
Communications